

(आर्थिक कार्य विभाग)

(बैंकिंग विभाग)

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 2.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, "हिराया खरीद" और "उपकरण वट्टे पर देना" को उस कानून के रूप में उल्लिखित करती है जिसमें किसी प्राथमिक सहकारी बैंक के लिए इसमें भाग लेना वैध है।

[एफ. नं. 1 (15)/95-ग. नं.]

बी.ए. नारायणन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 12th December, 1995

S.O. 2.—In exercise of the powers conferred by Clause (O) of Sub-Section (1) of Section 6 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby specifies "Hire Purchase" and "Equipment leasing" as forms of business in which it is lawful for a primary co-operative bank to engage.

[F. No. 1(15)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 18 दिसम्बर, 1995

का.आ. 3.—राष्ट्रीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा 3(क) और उपधारा (4) के साथ पठित धारा 19 के खण्ड (घ) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा, श्री राजेन्द्र सिंह लोढ़ा, 21 एस्पलादे मंशंस, 14, गवर्नमेंट प्लेस एस्टेट, कलकत्ता-700069 को 18 दिसम्बर, 1995 से तीन वर्षों की अवधि के लिए भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक नियमित करती है।

[नं. 8/5/91-बी.ओ. I]

सुधीर भार्गव, निदेशक

New Delhi, the 18th December, 1995

S.O. 3.—In pursuance of clause (d) of Section 19 read with sub-section 3(A) and sub-section (4) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Rajendra Singh Lodha, 21, Esplanade Mansions, 14, Government Place East, Calcutta-700 069 to be a Director of the Central Board of State Bank of India for a period of three years with effect from 18th December, 1995.

[F. No. 8/5/91-BO.I]

SUDHIR BHARGAVA, Director

नई दिल्ली, 19 दिसम्बर, 1995

का.आ. 4.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 ख की उप-धारा (9) के उपबन्ध, बनारस स्टेट बैंक लि. पर 17 नवम्बर, 1995 से 16 मार्च, 1996 तक अथवा बैंक के नियमित प्रबंध निदेशक की नियुक्ति होने तक, इनमें से जो भी पहले हो, उस सीमा तक लागू नहीं होगा जहां तक वे बैंक को चार महीने में अधिक की अवधि से आगे प्रबंध निदेशक का कार्य करने के लिए किसी व्यक्ति की नियुक्ति करने से निवारित करने हों।

[नं. 15/7/95-बी.ओ. ए.]

बी.एल. सचदेव, अवर सचिव

New Delhi, the 19th December, 1995

S.O. 4.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of Reserve Bank of India, hereby declare that the provisions of sub-section (9) of Section 10B of the said Act, shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Managing Director beyond a period exceeding four months, apply to the Benares State Bank Ltd. from 17th November, 1995 to 16th March, 1996 or till the appointment of a regular Managing Director for that bank, whichever is earlier.

[No. 15/7/95-BOA]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 19 दिसम्बर, 1995

का.आ. 5.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिशों पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 ख की उपधारा (1) (1 क) और (2) के उपबन्ध बनारस स्टेट बैंक लि. पर दिनांक 17 नवम्बर, 1995 से 16 जनवरी, 1996 तक की दो महीने की अवधि तक अथवा उस बैंक के लिए नियमित प्रबंध निदेशक की नियुक्ति तक, इनमें से जो भी पहले हो, लागू नहीं होगा।

[संख्या 15/7/95-बी.ओ. ए.]

बी.एल. सचदेव, अवर सचिव

New Delhi, the 19th December, 1995

S.O. 5.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of Reserve Bank of India, hereby declare that the provisions of sub-sections (1), (1A) and (2) of Section 10B of the said Act, shall not apply to the Benares State Bank Ltd. for a period of two months from 17th November, 1995 to 16th January, 1996 or till the appointment of a regular Managing Director for that bank, whichever is earlier.

[No. 15/7/95-BOA]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 20 दिसम्बर, 1995

का. आ. 6.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उपखण्ड (1) के

साथ पठित बैंककारी कानूनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, १९८० की धारा ९ की उप-धारा ३ के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक में परामर्श करने के पश्चात्, एन.ए.ए.ए., एन.ए.ए.ए., वर्तमान कार्यपालक निदेशक, विजया बैंक को दिनांक १ जनवरी, १९९६ से ३१ मार्च, २००० तक की अवधि के लिए निम्नलिखित शक्तियों का अन्वेषण एवं प्रबंध निदेशक के रूप में नियुक्त करता है।

[एफ. नं. ९/३३/९५-बी.ओ. १]

के.के. मंगल, अधीन सचिव

New Delhi, the 20th December, 1995

S.O. 6.—In exercise of the powers conferred by clause (a) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. Rajagopal, presently Executive Director, Vijaya Bank as Chairman and Managing Director, Indian Bank for the period from 1st January, 1996 and upto 31st March, 2000.

[F. No. 9/33/95-B.O.]

K. K. MANGAL, Under Secy.

नई दिल्ली, २० दिसम्बर, १९९५

का.आ. ७ — राष्ट्रीयकृत बैंक (प्रबंध द्वारा प्रकीर्ण उपवर्ध) अधिनियम, १९८० के खण्ड ३ और खण्ड ८ के उपखण्ड (१) के साथ पठित बैंककारी कानूनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, १९८० की धारा ९ की उप-धारा ३ के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक में परामर्श करने के पश्चात्, एन.ए.ए.ए., एन.ए.ए.ए., वर्तमान में महाप्रबंधक, इंडियन ओवरसीस बैंक का पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) नियुक्त करता है।

[एफ. नं. ९/२७/९५ बी.ओ.-१]

के.के. मंगल, अधीन सचिव

New Delhi, the 20th December, 1995

S.O. 7.—In exercise of the powers conferred by clause (a) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri T. S. Raghavan, presently General Manager, Indian Overseas Bank as a whole-time Director (designated as the Executive Director) of Vijaya Bank for the period from 1st January, 1996 and upto 30th April, 2000.

[F. No. 9/27/95-B.O.-1]

K. K. MANGAL, Under Secy

मुख्य आयकर आयुक्त का कार्यालय

कोलकत्ता, ८ दिसम्बर, १९९५

[सं. ६/९५-९६]

का.आ. ८ — आयकर आयुक्त, पश्चिम बंगाल-२, कोलकत्ता प्रभाग के अधीन आयकर उपायुक्त रेंज-२१, कोलकत्ता के अन्तर्गत सहायक आयकर आयुक्त मार्ग-२१(२) के नाम में एक नये प्रचार ५ सृजन किया जाता है, जिसका मुख्या है।

२ आयकर आयुक्त बंगाल-१, कोलकत्ता प्रभाग के अधीन आयकर रेंज-७, कोलकत्ता के अन्तर्गत सहायक आयकर आयुक्त मार्ग-७(४) का प्रचार दिनांक १८-१२-९५ से लागू किया जाता है, जिसका मुख्याय फलाना है।

[एफ. नं. ६/९५-९६/मुद्रा/गोपनी/१०/९५-९६]

के.पी. सिंह, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX

Calcutta, the 8th December, 1995

[No. 6/95-96]

S.O. 8.—A new charge of Assistant Commissioner of Income-tax, Circle 21(2) with Hqs. at Calcutta in D.C.I.T. Range-21, Calcutta, in the charge of C.I.T. W.B.-VII, Calcutta is created w.e.f. 18-12-1995.

2. The charge of A.C.I.T. Circle 7(4) with Hqs. at Calcutta in D.C.I.T. Range-7, Calcutta, in the charge of C.I.T. W.B.-II, Calcutta, is abolished w.e.f. 18-12-1995.

[F. No. AC/HQ/PLANNING/10/95-96]

K. P. SINGH, Chief Commissioner of Income-tax

ओ टी सी एक्सचेंज ऑफ इंडिया

मुद्रि-पत्र

बम्बई, १८ दिसम्बर, १९९५

का.आ. ९ — भारत के राजपत्र भाग II, खण्ड (ii) दिनांक १८ नवम्बर, १९९५ में सं.का.आ. ३०५२ द्वारा प्रकाशित ओ टी सी एक्सचेंज ऑफ इंडिया की अधिसूचना सं. एम.एम.डी/एस ई.डी/पी.जे/८०२१/९४ दिनांक २७ अक्टूबर, १९९५ के शीर्षक में "भारतीय प्रतिभूति और विनियमन बोर्ड" के स्थान पर "ओ टी सी एक्सचेंज ऑफ इंडिया" पढ़ा जाए।

[सं. ओ.टी.सी.एन.एन.एन.एन. २४७/९५]

एम. गोदावन, महाप्रबंधक एवं कंपनी सचिव

OTC EXCHANGE OF INDIA CORRIGENDUM

Bombay, the 18th December, 1995

S.O. 9.—In the notification No. SMD/SED/PI/8021/95 dated 27th October, 1995 of OTC Exchange of India published vide No. S.O. 3052 in the Gazette of India Part-II Sec 3(ii) dated 18th November, 1995 the heading should be

"OTC EXCHANGE OF INDIA" instead of "SECURITIES AND EXCHANGE BOARD OF INDIA".

[No. OTC/L&S/247/95]

S. GOPALAN, Genl. Manager & Co. Secy.

वार्तापत्र मंत्रालय

(विदेश व्यापार महाविभाग)

नई दिल्ली

१६ दिसंबर, १९९५

श्री. श्री. १०—ए. नाथपा झाकरी, संयुक्त उद्यम, प्रकाश बाघ म. २, रामपुर दुवेर, हिमाचल प्रदेश-१७२००१ में ८००० नोकरवीजक डेटोनेटर एम्प्लीफायर (संख्या ४२,३२,०००/०३६१६) के निर्यात के लिए ४२,३२,०००/- (अक्षरों में चालीस लाख रुपये केवल) के निर्यात आयात लाइसेंस सं. पी/ए/१५३३६४२ दिनांक ४-७-९५ जारी किया गया था।

कम ने उपर्युक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति नो नोकरवीजक प्रति पत्र आधार पर जारी करने के लिए प्रार्थना किया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति पत्र जारी है या नहीं है। यह भी कहा गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति किसी सीमा-शुल्क प्राधिकारी के पास पंजीकृत नहीं थी, इसलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का उपयोग बिल्कुल नहीं किया गया है।

२. अपने आदेश के समर्थन से नाथपा झाकरी ने गौटरी पब्लिशिंग, दिल्ली के समक्ष निश्चित रूप से उल्लेख पत्र पर एक शकलनामा भी प्रस्तुत किया है। निम्नलिखित संतुष्ट है कि काम के आधार पर लाइसेंस सं. पी/ए/१५३३६४२ दिनांक ४-७-९५ की सीमा शुल्क प्रयोजन प्रति खो गई है अथवा नहीं है। विदेश व्यापार महाविभाग, नई दिल्ली द्वारा जारी सा.आ. १०६०(अ) दिनांक ३१-१२-९३ के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मै. नाथपा झाकरी, संयुक्त उद्यम को जारी आयात लाइसेंस सं. पी/ए/१५३३६४२ दिनांक ४-७-९५ एतद्वारा रद्द किया जाता है।

३. उपर्युक्त लाइसेंस की एक डुप्लीकेट सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है।

[क्र. ९, एसपीएल/एनएन-१२/१८४/एस९६/एसएलएस/८२७]

एन. एन. असपास, ३५ महाविभाग, विदेश व्यापार

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

ORDER

New Delhi, the 14th December, 1995

S.O. 10.—M/s. Nathpa Jhakri, Joint Venture, Post Office Box No. 2, Ramon Dooer, Himachal Pradesh-172001, were granted an import licence No. P/A/1533642 dt. 4-7-95 for Rs. 42,32,000/- (Rs. Forty two lakhs and fifty two thousand

only) for import of 8000 Nos. of Non-electric Detonator Assemblies UN No. 0361.6 Divn. 31-4B.

The firm has applied for issue of Duplicate copy of Customs purpose copy of the above mentioned licence on 17.12.95. It has further been stated that the original Customs purpose copy of the licence has been lost or misplaced. It has further been stated that the Customs purpose copy of the licence was not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed a affidavit on stamped paper duly sworn in before a Notary public, Delhi. I am accordingly satisfied that the original Customs purpose copy of import licence No. P/A/1533642 dt. 4-7-95 has been lost or misplaced by the firm. In exercise of the powers conferred on me under order S.O. 1060(1) dt. 31-12-93 issued by DGT, New Delhi, the import licence No. P/A/1533642 dt. 4-7-95 issued to M/s. Nathpa Jhakri Joint Venture is hereby cancelled.

3. A duplicate Customs purpose copy of the said licence is being issued to the party separately.

[F. No. SPL/NS.12/194/AM-96/SLS/827]

H. L. ASWAL, Dy. Director General of Foreign Trade

वार्तापत्र मंत्रालय, विदेश व्यापार

सार्वजनिक निदेशन संवत् १९९५

नई दिल्ली, १६ दिसंबर, १९९५

श्री. श्री. १०—ए. नाथपा झाकरी, संयुक्त उद्यम, प्रकाश बाघ म. २, रामपुर दुवेर, हिमाचल प्रदेश-१७२००१ में ८००० नोकरवीजक डेटोनेटर एम्प्लीफायर (संख्या ४२,३२,०००/०३६१६) के निर्यात के लिए ४२,३२,०००/- (अक्षरों में चालीस लाख रुपये केवल) के निर्यात आयात लाइसेंस सं. पी/ए/१५३३६४२ दिनांक ४-७-९५ जारी किया गया था।

कम ने उपर्युक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति नो नोकरवीजक प्रति पत्र आधार पर जारी करने के लिए प्रार्थना किया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति पत्र जारी है या नहीं है। यह भी कहा गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति किसी सीमा-शुल्क प्राधिकारी के पास पंजीकृत नहीं थी, इसलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का उपयोग बिल्कुल नहीं किया गया है।

नमूने

क्रम सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं.	संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं.	संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं.	संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं. संशोधित भारतीय माल सं.
(१)	(२)	(३)	(४)
१. आरएस ८७३: १९७४	संशोधित सं. २	१९९५-११-३०	नवम्बर, १९९५
२. आरएस १०६८: १९८१	संशोधित सं. ३	१९९५-११-३१	नवम्बर, १९९५
३. आरएस ११६६: १९८६	संशोधित सं. २	१९९५-११-३०	नवम्बर, १९९५
४. आरएस १३७४: १९९२	संशोधित सं. २	१९९५-११-३०	नवम्बर, १९९५
५. आरएस १९१३: १९९५	संशोधित सं. १, २	१९९५-११-३०	नवम्बर, १९९५
६. आरएस २४३२: १९९५	संशोधित सं. १	१९९५-११-३०	नवम्बर, १९९५
७. आरएस २७३१: १९९२	संशोधित सं. १	१९९५-११-३०	नवम्बर, १९९५
८. आरएस ३१६९: १९९१	संशोधित सं. १	१९९५-११-३०	नवम्बर, १९९५
९. आरएस ५०६३: १९८९	संशोधित सं. १	१९९५-११-३०	नवम्बर, १९९५

(1)	(2)	(3)	(4)	SCHEDULE		
No.	Name of the Standard	Date of Issuance	Sl. No.	No. and year of the Indian Standard(s) amended	No. and year of the Amendment	Date from which the amendment shall have effect
10.	आर्सेनिक 11185-1993	संशोधन सं. 1 दिसम्बर 1993	1.	IS 8712:1971	Amendment No. 2 November 1995	95-11-30
11.	आर्सेनिक 11186-1993	संशोधन सं. 1 दिसम्बर 1993	2.	IS 1008:1981	Amendment No. 3 October 1995	95-10-31
12.	आर्सेनिक 11187-1993	संशोधन सं. 1 दिसम्बर 1993	3.	IS 1163:1986	Amendment No. 2 November 1995	95-11-30
13.	आर्सेनिक 11188-1993	संशोधन सं. 1 दिसम्बर 1993	4.	IS 1574:1992	Amendment No. 2 November 1995	95-11-30
14.	आर्सेनिक 11189-1993	संशोधन सं. 1 दिसम्बर 1993	5.	IS 1913:1993	Amendment No. 1 November 1995	95-11-30
15.	आर्सेनिक 11190-1993	संशोधन सं. 1 दिसम्बर 1993	6.	IS 2422:1965	Amendment No. 2 November 1995	95-11-30
16.	आर्सेनिक 11191-1993	संशोधन सं. 1 दिसम्बर 1993	7.	IS 2391:1991	Amendment No. 1 November 1995	95-11-30
17.	आर्सेनिक 11192-1993	संशोधन सं. 1 दिसम्बर 1993	8.	IS 3169:1991	Amendment No. 1 November 1995	95-11-30
18.	आर्सेनिक 11193-1993	संशोधन सं. 1 दिसम्बर 1993	9.	IS 5063:1991	Amendment No. 1 November 1995	95-11-30
19.	आर्सेनिक 11194-1993	संशोधन सं. 1 दिसम्बर 1993	10.	IS 5863:1965	Amendment No. 1 December 1995	95-12-31
20.	आर्सेनिक 11195-1993	संशोधन सं. 1 दिसम्बर 1993	11.	IS 6365:1971	Amendment No. 5 November 1995	95-11-30
21.	आर्सेनिक 11196-1993	संशोधन सं. 1 दिसम्बर 1993	12.	IS 7620 (Part I): 1986	Amendment No. 2 November 1995	95-11-30
22.	आर्सेनिक 11197-1993	संशोधन सं. 1 दिसम्बर 1993	13.	IS 8305:1978	Amendment No. 1 November 1995	95-11-30
23.	आर्सेनिक 11198-1993	संशोधन सं. 1 दिसम्बर 1993	14.	IS 11020:1981	Amendment No. 1 November 1995	95-11-30
24.	आर्सेनिक 11199-1993	संशोधन सं. 1 दिसम्बर 1993	15.	IS 14158:1991	Amendment No. 1 December 1995	95-12-31
25.	आर्सेनिक 11200-1993	संशोधन सं. 1 दिसम्बर 1993	16.	IS 14160:1991	Amendment No. 1 December 1995	95-12-31
26.	आर्सेनिक 11201-1993	संशोधन सं. 1 दिसम्बर 1993	17.	IS 14183:1991	Amendment No. 1 December 1995	95-12-31
27.	आर्सेनिक 11202-1993	संशोधन सं. 1 दिसम्बर 1993	18.	IS 14184:1991	Amendment No. 1 December 1995	95-12-31
28.	आर्सेनिक 11203-1993	संशोधन सं. 1 दिसम्बर 1993	19.	IS 14185:1991	Amendment No. 1 December 1995	95-12-31
29.	आर्सेनिक 11204-1993	संशोधन सं. 1 दिसम्बर 1993	20.	IS 14186:1991	Amendment No. 1 December 1995	95-12-31
30.	आर्सेनिक 11205-1993	संशोधन सं. 1 दिसम्बर 1993	21.	IS 14187:1991	Amendment No. 1 December 1995	95-12-31

एत संशोधनोर् अं प्रविद्या भारतात् मानक पुरी, मानक अवन, ७
ब्रह्मपुरणात् ज्ञान, मान, तर्हि विष्णु-११०००३ योर श्रेष्ठ कपोलयो
सम्बर्ध, कनककन, वृष्टीकृत् तथा मन्त्रात् प्रोत् पाया योर्धनोत् प्रथमभाष्य,
यमनोत्, योर्धन, सुवर्णक, अतिस्वल्पर, फलियावान, योर्धनवाव, मुद्राहाटी,
ईदरावाव, अवन, यानपुत्र, कनक, पटना तथा निरन्तरवाव,
मे विष्णु ज्ञान ज्ञान ३ ।

[30. 6. 70] 11.3 31

इति, के. तर्क, प्रथम महान्तरेण

MINISTRY OF CIVIL SUPPLIES.

(Consumer Affairs & Public Distribution)

BUREAU OF INDIAN STANDARDS

New Delhi, the 16th December, 1995

S.O. 1111 - In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment(s) to the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed. This has been issued.

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Tiruvananthapuram.

UNO, CMD43, 5.

S. K. PARMAR AND D. D. D.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 दिसम्बर, 1995

का.प्र. 12.—यहां पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिनियम का अंश) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. 2750 तारीख 27-9-95 द्वारा भारत सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिभार को पाइप लाइन बिछाने के लिए अर्जित करने का अपना अधिकार अधिनियमित किया था।

अब यहाँ अधिनियम ने उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन सरकार को निर्धारित दे दी है।

तत्पश्चात् भारत सरकार ने उक्त निर्धारित पर विचार करके इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यहाँ उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकार का प्रयोग करते हुए भारत सरकार द्वारा घोषित किया है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए पन्द्रहवां अर्जित किया जाता है।

इस अधिनियम की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित होने के बजाय पेट्रोलियम और खनिज अधिनियम में सभी बाधाओं से मुक्त रूप में वापसा के प्रकाशन की इस शारीरिक का निश्चित होगा।

अनुसूची

श्री पीएल आर मन्थार पुरान पाइप लाइन से भारत गैस लि.				
राज्य - गुजरात	ताहका अंशधार	विभाग-भारत		
गांव	खेती में, कपास में	क्षेत्रफल	सेरों	
		हेक्टर	आर	पुनर
अनको	526	00	02	37

[स.प्र. 14016/1995-जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 21st December, 1995

S.O. 12.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2750 dated 27-9-95 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore in exercise of the power conferred by sub-section (1) of the Section 3 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby is hereby laid for laying the pipeline.

And further in exercise of power conferred by sub-section (1) of that section, the Central Government directs that the right of user in the said lands shall lasted of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

L.P.L. of Gandhar Dahanu Pip-line to Bharat Gas Ltd.

State - Gujarat	Tahuka - Janbisar	Dist - Bharuch
Village	Sr. No.	Area
	Block No.	
	Hectare	Acres Centiare
Ankha	526	00 02 37

[No. L-14016/1995-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 22 दिसम्बर, 1995

का.प्र. 12.—यहाँ पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिनियम का अंश) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. 2750 तारीख 27-9-95 द्वारा भारत सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन बिछाने के प्रयोजन के लिए अर्जित करने का अपना अधिकार अधिनियमित किया था।

अब यहाँ अधिनियम ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को निर्धारित दे दी है।

तत्पश्चात् भारत सरकार ने उक्त निर्धारित पर विचार करके इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यहाँ उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकार का प्रयोग करते हुए भारत सरकार द्वारा घोषित किया है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए पन्द्रहवां अर्जित किया जाता है।

इस अधिनियम की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार ने निर्दिष्ट होने के बजाय पेट्रोलियम और खनिज अधिनियम में सभी बाधाओं से मुक्त रूप में वापसा के प्रकाशन की इस शारीरिक का निश्चित होगा।

अनुसूची

of user in the lands specified in the schedule appended to this notification.

विजयपुर-दक्षिण गैस पाइप लाइन परियोजना

ग्राम : तटोपुरा, गढ़वाल, जिला : मुरैना

असरा नं. सभे का यह क्षेत्रफल ग्राम, ओ.पू. अधिनियम
द्वारा जमा है (हेक्टेयर में)

108 0.0015

[स. एन-14016/4/95-गै.पी.]

अर्जुन्दा मेन निदेशक

New Delhi, the 22nd December, 1995

SCHEDULE

Vijapur-Dadri Gas Pipe Line Project

Village : Hatipura, Tehsil : Kailaras, Dist. : Morena

Survey No. Area to be acquired for R.O.U.
in Hect.

0.0015

[No. 14016/4/95-G.P.]

ARJUNDA MEN, Director

AND WHEREAS the Competent Authority has under sub-section (I) of section 5 of the said Act, submitted report to the Government,

AND FURTHER whereas the Central Government has, after considering the said report, decided to acquire the right

नई दिल्ली, 22 दिसम्बर, 1995

का. धा. 14016/4/95-गै.पी.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पदार्थों (भूमि में उपयोग के अधिकार या अर्थ) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संश्लेषण की नीति की गई अनुसूची में क्या उल्लिखित तारीख की अधिसूचना में का. धा. द्वारा उक्त अधिसूचनाओं में संशोधन करने में विनिर्दिष्ट भूमि के उपयोग के अधिकार का अर्जन या अधिकार प्राप्त किया था;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमियों में उपयोग का अधिकार, जो सभी विवरणों में सूचित है, उचित अर्जुन्दा मेन लिमिटेड में निहित किया था -

और नक्शे प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है कि पेट्रोलियम पन्थिद्वय के प्रयोजन के लिए गुजरात राज्य में गांडवा से पंजाब राज्य में भंडारा तक उक्त भूमियों में पाइपलाइन बिछाई जा चुकी है। अतः इन भूमियों की शान्त प्रभावों की रक्षा के लिए निम्नलिखित संशोधन अधिसूचना में उपाखण्ड अनुसूची में विनिर्दिष्ट किया जा रहा है -

अतः, अब, पेट्रोलियम पदार्थों (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार "अर्जुन्दा मेन लिमिटेड" की तारीख के रूप में उक्त अनुसूची के स्तंभ 6 में उल्लिखित तारीखों की घोषणा करती है -

अनुसूची

क्र. धा./तारीख	ग्राम का नाम	तहसील	जिला	राज्य	प्रचारन की सभा की तारीख
1	2	3	4	5	6
1 2667/4 अक्टूबर, 91	कोटवाला	बाली	पानी	राजस्थान	27 जून, 1995
2667/4 अक्टूबर, 91	कैरापुरा	बाली	पानी	राजस्थान	27 जून, 1995
2667/4 अक्टूबर, 91	बांसीवाड़ा	बाली	पानी	राजस्थान	27 जून, 1995
2667/4 अक्टूबर, 91	बाणी	बाली	पानी	राजस्थान	27 जून, 1995
2667/4 अक्टूबर, 91	बांसीवाड़ा	बाली	पानी	राजस्थान	27 जून, 1995

[illegible]

1	2	3	4	5	6
9	894/1 जनवरी, 78	नाणा	बाली	पाली	राजस्थान 20 अगस्त, 1995
	894/4 जनवरी, 78	चापुलुंगी	बाली	पाली	राजस्थान 20 अगस्त, 1995
	894/4 जनवरी, 78	भरवर	बाली	पाली	राजस्थान 20 अगस्त, 1995
	894/4 जनवरी, 78	कठार	बाली	पाली	राजस्थान 19 अगस्त, 1995
	894/4 जनवरी, 78	कूमटिया	बाली	पाली	राजस्थान 18 अगस्त, 1995
	894/4 जनवरी, 78	बेडा	बाली	पाली	राजस्थान 18 अगस्त, 1995
	894/4 जनवरी, 78	भारुद	बाली	पाली	राजस्थान 18 अगस्त, 1995
	894/4 जनवरी, 78	भोजपुर	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	पावरला	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	मेगाडी	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	पलावा	बाली	पाली	राजस्थान 20 अगस्त, 1995
	894/4 जनवरी, 78	बागवा	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	लूणावा	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	मेगली	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	गुलाडिया	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	बोड	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	सादलवा	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	सादल	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	मंडावा	बाली	पाली	राजस्थान 15 सितम्बर, 1995
	894/4 जनवरी, 78	मंडावा	बाली	पाली	राजस्थान 15 सितम्बर, 1995
10	530/7 जनवरी, 78	बाथोड	देवरी	पाली	राजस्थान 20 अगस्त, 1995
	530/7 जनवरी, 78	उदरखल	देवरी	पाली	राजस्थान 16 जनवरी, 1995
	530/7 जनवरी, 78	पदमपुरा	देवरी	पाली	राजस्थान 16 जनवरी, 1995
	530/7 जनवरी, 78	हानेप	देवरी	पाली	राजस्थान 12 अगस्त, 1995
	530/7 जनवरी, 78	कोडकी	देवरी	पाली	राजस्थान 16 जनवरी, 1995
	530/7 जनवरी, 78	नाथोल	देवरी	पाली	राजस्थान 12 जनवरी, 1995
	530/7 जनवरी, 78	गडा बमरगुड	देवरी	पाली	राजस्थान 12 अगस्त, 1995
	530/7 जनवरी, 78	जिज्जि खु	देवरी	पाली	राजस्थान 15 सितम्बर, 1995
	530/7 जनवरी, 78	थारो	देवरी	पाली	राजस्थान 15 सितम्बर, 1995
	530/7 जनवरी, 78	वाताकुडा	देवरी	पाली	राजस्थान 15 सितम्बर, 1995
	530/7 जनवरी, 78	जुनडी	देवरी	पाली	राजस्थान 15 सितम्बर, 1995
	530/7 जनवरी, 78	पानवली	देवरी	पाली	राजस्थान 16 जनवरी, 1995
	530/7 जनवरी, 78	मित्रास	देवरी	पाली	राजस्थान 13 अगस्त, 1995
	530/7 जनवरी, 78	खिवाडा	देवरी	पाली	राजस्थान 16 जनवरी, 1995
	530/7 जनवरी, 78	गुडा जालजी	देवरी	पाली	राजस्थान 16 जनवरी, 1995
11	892/1 जनवरी, 78	देवरी	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/1 जनवरी, 78	जैनपुरा	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गुडा केशरमिड	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	धाऊवा	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	आमनाप	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गडावास	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गाथना	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गानवास	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	बडी	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गोपावास	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	नीमली माडा	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	माडा	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	हमीरवास	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गडोलाभुद	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	फाटालिया	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	बोरनदी	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	गुडा भडी	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	बागडी	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995
	892/4 जनवरी, 78	आऊवा	मारवाड़ जंक्शन	पाली	राजस्थान 10 जनवरी, 1995

1	2	3	4	5	6
892/4 जनवरी, 78	पीपलाह	राजान	पाली	राजस्थान	20 जून, 1995
892/4 जनवरी, 78	केदवाड	सोजन	पाली	राजस्थान	20 जून, 1995
892/4 जनवरी, 78	देवली हूला	सोजन	पाली	राजस्थान	20 जून, 1995
892/4 जनवरी, 78	मिहपुरा	सोजन	पाली	राजस्थान	20 जून, 1995
892/4 जनवरी, 78	रायराफला खुर्द	सोजन	पाली	राजस्थान	15 सितम्बर, 1995
12. 531/8 फरवरी, 78	सबलपुरा	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	बाबडिया खुर्द	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	रायपुर	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	होहरा खुर्द	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	लथाभा	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	दीपावास	रायपुर	पाली	राजस्थान	30 अगस्त, 1995
531/8 फरवरी, 78	मेगदहा	रायपुर	पाली	राजस्थान	30 अगस्त, 1995
531/8 फरवरी, 78	भाकड़ियाली	रायपुर	पाली	राजस्थान	30 अगस्त, 1995
531/8 फरवरी, 78	बर	रायपुर	पाली	राजस्थान	30 अगस्त, 1995
531/8 फरवरी, 78	फला खेडा	रायपुर	पाली	राजस्थान	15 अगस्त, 1995
531/8 फरवरी, 78	बिराडिया खुर्द	रायपुर	पाली	राजस्थान	15 अगस्त, 1995
531/8 फरवरी, 78	जैनपुरा	रायपुर	पाली	राजस्थान	15 अगस्त, 1995
531/8 फरवरी, 78	धौलिया	रायपुर	पाली	राजस्थान	30 अगस्त, 1995
531/8 फरवरी, 78	मेल्हा	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	कुरागिया	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	रामगढ़ साईतान	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	मानपुरा	रायपुर	पाली	राजस्थान	30 अगस्त, 1995
531/8 फरवरी, 78	खेडा साईतान	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	काटडी	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	शेरगढ़	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
531/8 फरवरी, 78	मरवता	रायपुर	पाली	राजस्थान	15 सितम्बर, 1995
13. 895/17 मार्च, 78	नासून	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	खरवा	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
895/17 मार्च, 78	बेणारपुरा	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
895/17 मार्च, 78	फानाखेडा	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
895/17 मार्च, 78	लाखीनी	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	मृदाया	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	मानडावास	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	लसाना I	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	लसाडिया	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	सेमपुरा	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	गङ्गोरीयान	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	बभ्राड	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	गोदिया	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	नया नगर	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	गणेशपुरा	व्यावर	अजमेर	राजस्थान	30 जुलाई, 1995
895/17 मार्च, 78	जफा ठीकराना	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
	मेदरातान				
895/17 मार्च, 78	गोविन्दपुरा	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
895/17 मार्च, 78	ठीकराना मेदरातान	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
895/17 मार्च, 78	रामराज बालातान	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
895/17 मार्च, 78	बाडिया व्यामा	व्यावर	अजमेर	राजस्थान	30 सितम्बर, 1995
14. 3784/8 नवम्बर, 77	अरुनिया बर्सा	मालपुरा	टोंक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	बाबडिया	मालपुरा	टोंक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	फिराबल	मालपुरा	टोंक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	मिलकपुर	मालपुरा	टोंक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	पञ्चवर	मालपुरा	टोंक	राजस्थान	27 मई, 1995

1	2	3	4	5	6
3784/8 नवम्बर, 77	बराँल	मालपुरा	टांक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	स्योह	मालपुरा	टांक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	कंगड़	मालपुरा	टांक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	चेकरणा	मालपुरा	टांक	राजस्थान	27 मई, 1995
2784/8 नवम्बर, 77	लड़ा	मालपुरा	टांक	राजस्थान	27 मई, 1995
3784/8 नवम्बर, 77	आटांसी	मालपुरा	टांक	राजस्थान	27 मई, 1995
15. 3786/8 नवम्बर, 77	मान्डीयावर खुर्द	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	मोटी	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	मान्डीयावरकला	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	ठमूक	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	झीरोला	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	आकांछिया	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	जंगलपुरा	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
3786/8 नवम्बर, 77	गोधियाला	किशनगढ़	अजमेर	राजस्थान	12 जून, 1995
16. 893/17 मार्च, 78	सुरजपुरा	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	नेपाली	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	मादमिया	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	रामसर	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	मनोद	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	मोहरबाड़ा	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	देगडांग	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	घोलादान्ला	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	जागपुरा	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	चाट	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	मोरीपुरा	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	बुवासिया	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	बाघमूरी	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	अजवा का बाड़िया	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	बनेदरा	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
893/17 मार्च, 78	अगारी	नसीराबाद	अजमेर	राजस्थान	6 जुलाई, 1995
17. 893/17 मार्च, 78	भिटिक बिगावाम	अजमेर	अजमेर	राजस्थान	9 जुलाई, 1995
893/17 मार्च, 78	लीई	अजमेर	अजमेर	राजस्थान	9 जुलाई, 1995
893/17 मार्च, 78	अमरगढ़	अजमेर	अजमेर	राजस्थान	9 जुलाई, 1995
893/17 मार्च, 78	रुदलाई	अजमेर	अजमेर	राजस्थान	9 जुलाई, 1995
18. 3602/1 नवम्बर, 77	महसबाग	फारी	जयपुर	राजस्थान	19 मई, 1995
3602/1 नवम्बर, 77	नेमड़ा	फारी	जयपुर	राजस्थान	19 मई, 1995
3602/1 नवम्बर, 77	केरिया	फारी	जयपुर	राजस्थान	19 मई, 1995
3602/1 नवम्बर, 77	कंवरपुरा	फारी	जयपुर	राजस्थान	19 मई, 1995
3602/1 नवम्बर, 77	रतनपुरा	फारी	जयपुर	राजस्थान	19 मई, 1995
3602/1 नवम्बर, 77	मादी	फारी	जयपुर	राजस्थान	19 मई, 1995
19. 38/11 नवम्बर, 91	नथमलपुरा	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	मोहनपुरा	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	खेड़ा हनुमानजी	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	श्रीमाधोराजपुरा	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	दमुली	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	झाड़वा	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	काटोली	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	चिन्नीड़ा	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	मानपुरोट	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	चिदिशाम	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	मोहलबनपुरा	फारी	जयपुर	राजस्थान	19 मई, 1995
38/11 नवम्बर, 91	बाभरी जोगियाल	फारी	जयपुर	राजस्थान	19 मई, 1995

1	2	3	4	5	6
20. 1882/27 जून.91	भाटेड़	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
21. 1123/28 अगस्त.93	दादिया	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
22. 1882/27 जून.91	खेड़ी गोकुलपुरा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
23. 1123/28 अगस्त.93	महाराजपुरा उर्फ बक्याबाबा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1123/28 अगस्त.93	जगोदानखनपुरा उर्फ भ्रायबाबा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1123/28 अगस्त.93	किरांजपुरा उर्फ इन्द्रपुरी	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
24. 1882/27 जून.91	श्रीरामकी नागल	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	लक्ष्मीपुरा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	सोनापुरा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	भाखपुरिया	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	देहलाबास	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	लक्ष्मी दामोदरपुरा उर्फ नगरियावाला	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	महल	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	रामनगरिया	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	श्रीगोविन्दपुरा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	जैपुरा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	कल्याणपुरा उर्फ त्रासीपुरा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	खोह नारोगियाल	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	भाबगढ़ बन्धा	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	सोनियाबास	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
1882/27 जून.91	पालड़ी मोना	सांगानेर	जयपुर	राजस्थान	21 जून, 1995
25. 130/16 फरवरी.93	जामडाली	जयपुर	जयपुर	राजस्थान	8 मई, 1995
130/16 फरवरी.93	गुमेल	जयपुर	जयपुर	राजस्थान	8 मई, 1995
434/16 फरवरी.93	जयसिंहपुरा खोर	जयपुर	जयपुर	राजस्थान	8 मई, 1995
26. 431/16 फरवरी.93	गायपुरा	जमनारामगढ़	जयपुर	राजस्थान	21 जून, 1995
431/16 फरवरी.93	नारदपुरा	जमनारामगढ़	जयपुर	राजस्थान	21 जून, 1995
431/16 फरवरी.93	नटाटा	जमनारामगढ़	जयपुर	राजस्थान	21 जून, 1995
431/16 फरवरी.93	भानपुर कला	जमनारामगढ़	जयपुर	राजस्थान	21 जून, 1995
431/16 फरवरी.93	अजबगढ़ उर्फ हाड़ी का बास	जमनारामगढ़	जयपुर	राजस्थान	21 जून, 1995
27. 435/16 फरवरी.93	धामेर	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	नागल सुमावताल	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	कुकम	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	खोरासोला	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
28. 2341/27 अक्टूबर.93	हण्ड	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
29. 435/16 फरवरी.93	लखावा	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	धौसपुर	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	धनी	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	अचरीया	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
435/16 फरवरी.93	स्यारी	धामेर	जयपुर	राजस्थान	20 जुलाई, 1995
30. 2341/27 अक्टूबर.93	रामपुरा उर्फ बान्याबाबा	धामेर	जयपुर	राजस्थान	20 जून, 1995
31. 435/16 फरवरी.93	कोलखाड़ कला खूँद	धामेर	जयपुर	राजस्थान	20 जून, 1995
435/16 फरवरी.93	चक जयसिंह नगर	धामेर	जयपुर	राजस्थान	20 जून, 1995

1	2	3	4	5	6
435/16 फरवरी, 93	जयपुर	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
435/16 फरवरी, 93	जयमहतनगर	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
435/16 फरवरी, 93	चन्दवाजी	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
435/16 फरवरी, 93	गालरवास	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
435/16 फरवरी, 93	चिताण कला एवं खुद	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
435/16 फरवरी, 93	बीलपुर उर्फ सुन्दरपुरा	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
435/16 फरवरी, 93	लखेर	श्रीमंग	जयपुर	राजस्थान	20 जन, 1995
32 434/16 फरवरी, 93	मनोहरपुर	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	निठारा	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	मेटकाबांस	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	लाखनी	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	कोट	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	शाहपुरा	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	जास्राना खुर्द उर्फ विशतपुरा	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
434/16 फरवरी, 93	देवन	शाहपुरा	जयपुर	राजस्थान	20 अगस्त, 1995
33 433/16 फरवरी, 93	सूरपुरा	बिराटनगर	जयपुर	राजस्थान	24 अगस्त, 1995
433/16 फरवरी, 93	जवानपुरा	बिराटनगर	जयपुर	राजस्थान	24 अगस्त, 1995
433/16 फरवरी, 93	भाभर	बिराटनगर	जयपुर	राजस्थान	24 अगस्त, 1995
433/16 फरवरी, 93	बडोदा	बिराटनगर	जयपुर	राजस्थान	24 अगस्त, 1995
433/16 फरवरी, 93	आमला	बिराटनगर	जयपुर	राजस्थान	24 अगस्त, 1995
433/16 फरवरी, 93	वासाबांस श्रीहरान	बिराटनगर	जयपुर	राजस्थान	24 अगस्त, 1995
34 432/16 फरवरी, 93	लाडाकाबांस	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	खेलना	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	पावडा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	प्रागपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	किराशंद	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	पाथरडी	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	रघुनाथपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	गोरधनपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	कंथरपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	कल्याणपुरा खुर्द	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	गहडा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	पुतली	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	गुन्दरपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	धुआहेडा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	बांसडी	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	बडाबांस	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	रामसिंहपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	खेडकी श्रीराम	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	खरकडी	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	मोलाहेडा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	शेखपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	मंगटेडा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	खेडकी मूकूट	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	पनियाला	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	मोरधा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
432/16 फरवरी, 93	मलपुरा	कोटपुतली	जयपुर	राजस्थान	30 अगस्त, 1995
35 436/16 फरवरी, 93	जैनपुरबांस	बहरोड	अजमेर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	गूनी	बहरोड	अजमेर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	ध्यामपुरा	बहरोड	अजमेर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	शिमला	बहरोड	अजमेर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	गोकुलपुरा	बहरोड	अजमेर	राजस्थान	15 अगस्त, 1995

1	2	3	4	5	6
436/16 फरवरी, 93	तलवाड सरस्वतिन्द मोमनपुर	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	जागधाम	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	कल्याणपुरा	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	नंगलारोध	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	हमजापुर	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	बाटखानी	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	कोलीलाजोगा	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	कोलीला सांगा	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	कोलीला गावड	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	सांजरा कांट	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	फाली पहाड़ी	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	जनकसिंहपुरा	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	बेलनी	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	समिड़ी	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	जोनीचा खुर्द	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	सिरयानी	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	गुगलकाटा	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995
436/16 फरवरी, 93	काकर	बहरोड़	अलवर	राजस्थान	15 अगस्त, 1995

[सं. आर-31015/2/95-प्रो. आर.-1]

के. सी. कटोच, अधर सचिव

New Delhi, the 22nd December, 1995

S.O. 14. —Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. and date as mentioned in the Schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands specified in the Schedule appended to that notification;

And whereas in the exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances, in the Indian Oil Corporation Limited;

And whereas the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transport of Petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab has been laid in the said lands so the operation may be terminated in respect of the lands the description of which in brief is specified in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by rule 4 of the Petroleum Pipelines ; (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in column 6 of the said schedule as the date of termination of operation ;

SCHEDULE

Sl. No.	S.O. No. & Date	Name of Village	Tehsil	District	State	Date of Termination of operation
1	2	3	4	5	6	
1.	2667 4th Oct. 91	Kotbaliya	Bali	Pali	Rajasthan	27th June, 95
	2667 4th Oct. 91	Kerapura	Bali	Pali	Rajasthan	27th June, 95
	2667 4th Oct. 91	Dantiwara	Bali	Pali	Rajasthan	27th June, 95
	2667 4th Oct. 91	Dhani	Bali	Pali	Rajasthan	27th June, 95
	2667 4th Oct. 91	Khimel	Bali	Pali	Rajasthan	27th June, 95
2.	2668 4th Oct. 91	Ranikhurd	Desuri	Pali	Rajasthan	13th June, 95
	2668 4th Oct. 91	Ranikalan	Desuri	Pali	Rajasthan	13th June, 95
	2668 4th Oct. 91	Doodawar	Desuri	Pali	Rajasthan	13th June, 95
	2668 4th Oct. 91	Padarli	Desuri	Pali	Rajasthan	13th June, 95
	2668 4th Oct. 91	Punadiya	Desuri	Pali	Rajasthan	13th June, 95

1	2	3	4	5	6
3. 2666 4th Oct. 91	Mandal	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Gurhakhooni	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Balrai	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Keerwa	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Gudaendla	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Koorna	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Bala	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Madri	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Dayalpura	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Roopawas	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Muliyawas	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Chatelao	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Becthoo	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Moriya	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Sonailakha	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Singari	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Durgarpur	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Doodli	Pali	Pali	Rajasthan	1st July, 95
2666 4th Oct. 91	Neembli- patelan	Pali	Pali	Rajasthan	1st July, 95
4. 2665 4th Oct. 91	Salawas	Jodhpur	Jodhpur	Rajasthan	30th June, 95
2665 4th Oct. 91	Kakani	Jodhpur	Jodhpur	Rajasthan	30th June, 95
2665 4th Oct. 91	Dandiya	Jodhpur	Jodhpur	Rajasthan	30th June, 95
2665 4th Oct. 91	Sikarpura	Jodhpur	Jodhpur	Rajasthan	30th June, 95
2665 4th Oct. 91	Luni	Jodhpur	Jodhpur	Rajasthan	30th June, 95
5. 3603 1st Nov. 77	Khara	AbuRoad	Sirohi	Rajasthan	30th Sep. 95
3603 1st Nov. 77	Basra	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Maval	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Amba	AbuRoad	Sirohi	Rajasthan	30th Sep. 95
3603 1st Nov. 77	Chandrawati	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
6. 2524 11th Aug. 78	Santpur	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
7. 3603 1st Nov. 77	Abu Road	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Tartoli	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Khadat	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Od	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Morthala	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
3603 1st Nov. 77	Kiwali	AbuRoad	Sirohi	Rajasthan	30th Sep., 95
8. 3785 8th Nov. 77	Bharja	Pindwara	Sirohi	Rajasthan	30th Sep., 95
3785 8th Nov. 77	Bhimana	Pindwara	Sirohi	Rajasthan	30th Sep., 95
3785 8th Nov. 77	Vatera	Pindwara	Sirohi	Rajasthan	30th Sep., 95
3785 8th Nov. 77	Bhawri	Pindwara	Sirohi	Rajasthan	19th Aug. 95
3785 8th Nov. 77	Dhanari	Pindwara	Sirohi	Rajasthan	28th Aug., 95
3785 8th Nov. 77	Kodarla	Pindwara	Sirohi	Rajasthan	31st Aug., 95
3785 8th Nov. 77	Rampura	Pindwara	Sirohi	Rajasthan	21st Aug., 95
3785 8th Nov. 77	Banas	Pindwara	Sirohi	Rajasthan	29th Aug., 95
3785 8th Nov. 77	Ghodiyaawa	Pindwara	Sirohi	Rajasthan	30th Aug., 95
3785 8th Nov. 77	Sawarli	Pindwara	Sirohi	Rajasthan	30th Aug., 95
3785 8th Nov. 77	Ajari	Pindwara	Sirohi	Rajasthan	31st Aug., 95
3785 8th Nov. 77	Pindwara	Pindwara	Sirohi	Rajasthan	23rd Aug., 95
3785 8th Nov. 77	Jhadoli	Pindwara	Sirohi	Rajasthan	22nd Aug., 95
3785 8th Nov. 77	Sadalwa	Pindwara	Sirohi	Rajasthan	22nd Aug., 95
9. 894 4th Jan. 78	Nana	Bali	Pali	Rajasthan	20th Aug., 95
894 4th Jan. 78	Chamundari	Bali	Pali	Rajasthan	20th Aug., 95
894 4th Jan. 78	Bhander	Bali	Pali	Rajasthan	20th Aug., 95
894 4th Jan. 78	Kathar	Bali	Pali	Rajasthan	19th Aug., 95
894 4th Jan. 78	Kumtiya	Bali	Pali	Rajasthan	18th Aug., 95
894 4th Jan. 78	Bera	Bali	Pali	Rajasthan	18th Aug., 95
894 4th Jan. 78	Bhattoond	Bali	Pali	Rajasthan	22nd Aug., 95
894 4th Jan. 78	Bhcejapur	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Padarla	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Sewari	Bali	Pali	Rajasthan	15th Sep., 95

1	2	3	4	5	6
894 4th Jan. 78	Patawa	Bali	Pali	Rajasthan	20th Aug., 95
894 4th Jan. 78	Berwa	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Lunawa	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Sesli	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Punariya	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Kot	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Sadalwa	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Teepri	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Mundara	Bali	Pali	Rajasthan	15th Sep., 95
894 4th Jan. 78	Bheetwara	Bali	Pali	Rajasthan	15th Sep., 95
10. 530 7th Feb. 78	Baod	Desuri	Pali	Rajasthan	30th Aug., 95
530 7th Feb. 78	Udarthal	Desuri	Pali	Rajasthan	16th July, 95
530 7th Feb. 78	Padampura	Desuri	Pali	Rajasthan	16th July, 95
530 7th Feb. 78	Dhalop	Desuri	Pali	Rajasthan	12th Aug., 95
530 7th Feb. 78	Kotri	Desuri	Pali	Rajasthan	16th July, 95
530 7th Feb. 78	Nadol	Desuri	Pali	Rajasthan	12th Aug., 95
530 7th Feb. 78	Gura Kesar Singh	Desuri	Pali	Rajasthan	12th Aug., 95
530 7th Feb. 78	Jiwand	Desuri	Pali	Rajasthan	15th Sep., 95
	Khurd				
530 7th Feb. 78	Bordi	Desuri	Pali	Rajasthan	15th Sep., 95
530 7th Feb. 78	Bola Kooria	Desuri	Pali	Rajasthan	15th Sep., 95
530 7th Feb. 78	Ghenri	Desuri	Pali	Rajasthan	15th Sep., 95
530 7th Feb. 78	Peelawani	Desuri	Pali	Rajasthan	16th July, 95
530 7th Feb. 78	Siwas	Desuri	Pali	Rajasthan	13th Aug., 95
530 7th Feb. 78	Khiwara	Desuri	Pali	Rajasthan	16th July, 95
530 7th Feb. 78	Gura Dolji	Desuri	Pali	Rajasthan	16th July, 95
11. 892 4th Jan. 78	Deoli	Marwar-Junction	Pali	Rajasthan	10th July, 95
892 4th Jan. 78	Jaitpura	Marwar-Junction	Pali	Rajasthan	10th July, 95
892 4th Jan. 78	Gurda	Marwar-Junction	Pali	Rajasthan	10th July, 95
892 4th Jan. 78	Kesarsingh	Marwar-Junction	Pali	Rajasthan	10th July, 95
892 4th Jan. 78	Auwa	Marwar-Junction	Pali	Rajasthan	10th July, 95
892 4th Jan. 78	Angdosh	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Radawas	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Giadhana	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Ranawas	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Bari	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Gopawas	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Nimlimanda	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Manda	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Hameerwas	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Rajolakhurd	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Kantaliya	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Boranadi	Marwar-Junction	Pali	Rajasthan	30th June, 95
892 4th Jan. 78	Gudagari	Marwar-Junction	Pali	Rajasthan	30th June, 95

1	2	3	4	5	6
892 4th Jan. 78	Ragri	Sojat	Pali	Rajasthan	20th June, 95
892 4th Jan. 78	Piplad	Sojat	Pali	Rajasthan	20th June, 95
892 4th Jan. 78	Kelwad	Sojat	Pali	Rajasthan	20th June, 95
892 4th Jan. 78	Deoli Hulla	Sojat	Pali	Rajasthan	20th June, 95
892 4th Jan. 78	Singpura	Sojat	Pali	Rajasthan	20th June, 95
892 4th Jan. 78	Rairakalan Khurd.	Sojat	Pali	Rajasthan	15th Sep., 95
12. 531 8th Feb. 78	Sabalpura	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Chawandiya Khurd	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Raipur	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Hohra Khurd	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Lawacha	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Dipawas	Raipur	Pali	Rajasthan	30th Aug., 95
531 8th Feb. 78	Magdara	Raipur	Pali	Rajasthan	30th Aug., 95
531 8th Feb. 78	Makarwali	Raipur	Pali	Rajasthan	30th Aug., 95
531 8th Feb. 78	Bar	Raipur	Pali	Rajasthan	30th Aug., 95
531 8th Feb. 78	Fata Khera	Raipur	Pali	Rajasthan	15th Aug., 95
531 8th Feb. 78	Biratiya Khurd	Raipur	Pali	Rajasthan	15th Aug., 95
531 8th Feb. 78	Jaiipura	Raipur	Pali	Rajasthan	15th Aug., 95
531 8th Feb. 78	Dholiya	Raipur	Pali	Rajasthan	30th Aug., 95
531 8th Feb. 78	Sendra	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Kuratiya	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Ramgarh Sadotan	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Manpura	Raipur	Pali	Rajasthan	30th Aug., 95
531 8th Feb. 78	Khera Sanghotan	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Kotri	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Shergarh	Raipur	Pali	Rajasthan	15th Sep., 95
531 8th Feb. 78	Sardhana	Raipur	Pali	Rajasthan	15th Sep., 95
13. 895 17th Mar. 78	Badiya	Beawar	Ajmer	Rajasthan	30th Sep., 95
	Shyama				
895 17th Mar. 88	Ramsar	Beawar	Ajmer	Rajasthan	30th Sep., 95
	Balayan				
895 17th Mar. 78	Theekrana Medrajan	Beawar	Ajmer	Rajasthan	30th Sep., 95
895 17th Mar. 78	Govindpura	Beawar	Ajmer	Rajasthan	30th Sep., 95
895 17th Mar. 78	Chak Theekrana Medrajan	Beawar	Ajmer	Rajasthan	30th Sep., 95
895 17th Mar. 78	Ganehpura	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Nayanagar	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Sedariya	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Balad	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Garihi Thorijan	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Serspura	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Lasadiya	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Lasani I	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Mandawas	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Suhawa	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Lakhena	Beawar	Ajmer	Rajasthan	30th July, 95
895 17th Mar. 78	Kanakhara	Beawar	Ajmer	Rajasthan	30th Sep., 95
895 17th Mar. 78	Kesharpura	Beawar	Ajmer	Rajasthan	30th Sep., 95
895 17th Mar. 78	Kharwa	Beawar	Ajmer	Rajasthan	30th Sep., 95
895 17th Mar. 78	Nasoon	Beawar	Ajmer	Rajasthan	30th July, 95
14. 3784 8th Nov. 77	Atoli	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Lari	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Dedhani	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Kurad	Malpura	Ajmer	Rajasthan	27th May, 95

1	2	3	4	5	6
3784 8th Nov. 77	Syah	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Bavol	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Pachewar	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Milakpur	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Kirawal	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Chawandiya	Malpura	Ajmer	Rajasthan	27th May, 95
3784 8th Nov. 77	Arnya Bassi	Malpura	Ajmer	Rajasthan	27th May, 95
15. 3786 8th Nov. 77	Godhlyana	Kishangarh	Ajmer	Rajasthan	12th June, 95
3786 8th Nov. 77	Jarawarpura	Kishangarh	Ajmer	Rajasthan	12th June, 95
3786 8th Nov. 77	Aukodiya	Kishangarh	Ajmer	Rajasthan	12th June, 95
3886 8th Nov. 77	Jhcerota	Kishangarh	Ajmer	Rajasthan	12th June, 95
3786 8th Nov. 77	Dhasook	Kishangarh	Ajmer	Rajasthan	12th June, 95
3786 8th Nov. 77	Mandiyawar	Kishangarh	Ajmer	Rajasthan	12th June, 95
	Kalan.				
3786 8th Nov. 77	Mothi	Kishangarh	Ajmer	Rajasthan	12th June, 95
3786 8th Nov. 77	Mondiyawar	Kishangarh	Ajmer	Rajasthan	12th June, 95
	Khurd				
16. 893 17th Mar. 78	Dholadanta	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Derathor	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Loharwara	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Sanod	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Ramsar	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 88	Mawasiya	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Surajpura	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Nepoli	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Ansari	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Banewra	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Ajaba Ka	Naseerabad	Ajmer	Rajasthan	6th July, 95
	Bariya				
893 17th Mar. 78	Baghsuri	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Bubaniya	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Motipura	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Chat	Naseerabad	Ajmer	Rajasthan	6th July, 95
893 17th Mar. 78	Jagpura	Naseerabad	Ajmer	Rajasthan	6th July, 95
17. 893 17th Mar. 78	Bidak	Ajmer	Ajmer	Rajasthan	9th July, 95
	Chiyawas				
893 17th Mar. 78	Liri	Ajmer	Ajmer	Rajasthan	9th July, 95
893 17th Mar. 88	Amargarh	Ajmer	Ajmer	Rajasthan	9th July, 95
893 17th Mar. 78	Rudlai	Ajmer	Ajmer	Rajasthan	9th July, 95
18. 3602 1st Nov. 77	Mahandwas	Phagi	Jaipur	Rajasthan	19th May, 95
3602 1st Nov. 77	Nemara	Phagi	Jaipur	Rajasthan	19th May, 95
3602 1st Nov. 77	Kariya	Phagi	Jaipur	Rajasthan	19th May, 95
3602 1st Nov. 77	Kawarpura	Phagi	Jaipur	Rajasthan	19th May, 95
3602 1st Nov. 77	Ratanpura	Phagi	Jaipur	Rajasthan	19th May, 95
3602 1st Nov. 77	Mandi	Phagi	Jaipur	Rajasthan	19th May, 95
19. 38 11th Nov. 91	Nathmalpura	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Mohanpura	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Khera	Phagi	Jaipur	Rajasthan	19th May, 95
	Hanumanji				
38 11th Nov. 91	Shri Madho- rajpura	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Datuli	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Jharla	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Kantoli	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Cheetoda	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Manpur Get	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Chandawas	Phagi	Jaipur	Rajasthan	19th May, 95
38 11th Nov. 91	Mohabbat	Phagi	Jaipur	Rajasthan	19th May, 95
	pura				
38 11th Nov. 91	Bassi- Jogiyan	Phagi	Jaipur	Rajasthan	19th May, 95

1	2	3	4	5	6
20. 1882 27th June 91	Bhated	Sanganer	Jaipur	Rajasthan	21st June, 95
21. 1123 28th Apr. 93	Dadiya	Sanganer	Jaipur	Rajasthan	21st June, 95
22. 1882 27th June 91	Khedli-Gokulpura	Sanganer	Jaipur	Rajasthan	21st June, 95
23. 1123 28th Aug. 93	Maharajpura Urf Baksha-wala	Sanganer	Jaipur	Rajasthan	21st June, 95
1123 28th Aug. 93	Jashoda nandanpara urf Ashawala	Sanganer	Jaipur	Rajasthan	21st June, 95
1123 28th Aug. 93	Firojpura Urf Indra-puri	Sanganer	Jaipur	Rajasthan	21st June, 95
24. 1882 27th June 91	Shri Ram Ki Nagal	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Lakshmipura	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Sitapura	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Sakhpuria	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Dehlawas	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Lakshmi Damodarpura urf Nagariya wala	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Mahal	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Ramnagariya	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Shri Govindpura	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Jaipura	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Kalyanpura urf Khati-pura	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Khoh	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Nagoriyan	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Bhavgarh Bandha	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Loniawas	Sanganer	Jaipur	Rajasthan	21st June, 95
1882 27th June 91	Paldi Meena	Sanganer	Jaipur	Rajasthan	21st June, 95
25. 430 16th Feb. 93	Jamdoli	Jaipur	Jaipur	Rajasthan	8th May, 95
430 16th Feb. 93	Sumel	Jaipur	Jaipur	Rajasthan	8th May, 95
430 16th Feb. 93	Jaisinghpura Khor	Jaipur	Jaipur	Rajasthan	8th May, 95
26. 431 16th Feb. 93	Saipura	Jamwaram-garh	Jaipur	Rajasthan	21st June, 95
431 16th Feb. 93	Nardpura	Jamwaram-garh	Jaipur	Rajasthan	21st June, 95
431 16th Feb. 93	Natata	Jamwaram-garh	Jaipur	Rajasthan	21st June, 95
431 16th Feb. 93	Bhanpur Kalan	Jamwaram-garh	Jaipur	Rajasthan	21st June, 95
431 16th Feb. 93	Ajabgarh urf Handi Ka Was	Jamwaram-garh	Jaipur	Rajasthan	21st June, 95
27. 435 16th Feb. 93	Amber	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Nangal Susawtan	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Kukas	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Khora Meena	Amber	Jaipur	Rajasthan	20th July, 95

1	2	3	4	5	6
28. 2341 27th Oct. 93	Dhand	Amber	Jaipur	Rajasthan	20th July, 95
29. 435 16th Feb. 93	Labana	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Dhingour	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Ani	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Achrol	Amber	Jaipur	Rajasthan	20th July, 95
435 16th Feb. 93	Syan	Amber	Jaipur	Rajasthan	20th July, 95
30. 2341 27th Oct. 93	Rampura Urf Banyawala	Amber	Jaipur	Rajasthan	20th July, 95
31. 435 16th Feb. 93	Kadwat Kala Khurd	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Chak Jai Singh Nagar	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Jugalpura	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Jaisingh Nagar	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Chandwaji	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Salarwas	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Chetanu Kalan & Khurd	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Bilpur Urf Sunderpura	Amber	Jaipur	Rajasthan	20th June, 95
435 16th Feb. 93	Lakher	Amber	Jaipur	Rajasthan	20th June, 95
32. 434 16th Feb. 93	Manoharpur	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Nithara	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Let ka Bas	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Lakhnee	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Kant	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Shahpura	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Jaoja Khurd Urf Vishan pura	Shahpura	Jaipur	Rajasthan	20th Aug., 95
434 16th Feb. 93	Doven	Shahpura	Jaipur	Rajasthan	20th Aug., 95
33. 433 16th Feb. 93	Surpura	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
433 16th Feb. 93	Jawanpura	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
433 16th Feb. 93	Bhabru	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
433 16th Feb. 93	Badaoda	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
433 16th Feb. 93	Antela	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
433 16th Feb. 93	Bagawas	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
433 16th Feb. 93	Ahiran	Virtanagar	Jaipur	Rajasthan	24th Aug., 95
34. 432 16th Feb. 93	Ladaka Vas	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Khelna	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Paota	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Pragnura	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Kiradoth	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Pathraday	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Raghunath Pura	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Gordhanpura	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Kawarpura	Kotputli	Jaipur	Rajasthan	20th Aug., 95
432 16th Feb. 93	Kalyanpura Khurd	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Raheda	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Putli	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Sunderpura	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Buchaheda	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Baseri	Kotputli	Jaipur	Rajasthan	30th Aug., 95
432 16th Feb. 93	Badavas	Kotputli	Jaipur	Rajasthan	30th Aug., 95

1	2	3	4	5	6
432 16th Feb. 93	Ramsingh Pura	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Mordha	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Morbhan	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Kharakadi	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Molabeda	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Sachhpura	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Sangleda	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Rhad Ki Mukul	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Panryala	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Mordha	Kotputli	Jaipur	Rajasthan	30th Aug. 95
432 16th Feb. 93	Malpura	Kotputli	Jaipur	Rajasthan	30th Aug. 95
35. 436 16th Feb. 93	Jainputawas	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Gunti	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Sayamoula	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Shimla	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Gokulpur	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Talwar-Sar-bilal	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Mammanpur	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Jaguwas	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Kalyanpura	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Nagla Podh	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Hamjapur	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Batkhani	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Kolilajoga	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Kolilazanga	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Kolilarabar	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Manjra Kant	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Kali Pahari	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Janaksingh Pura	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Balaji	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Sasari	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Jonyicha Khurd	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Siryani	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Gugal Kota	Bahrar	Alwar	Rajasthan	15th Aug. 95
436 16th Feb. 93	Kanker	Bahrar	Alwar	Rajasthan	15th Aug. 95

[No. R-31015/2/95—O.R.I.]

K. C. KATOCH, Under Secy.

गुडिपत्र

नई दिल्ली, 21 दिसम्बर, 1995

क्र.सं. 15.—भारत के राजपत्र दिनांक 28 मार्च, 1995 के भाग II खण्ड-3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.सं. सं. 268 (अ) दिनांक 24 मार्च, 1995 में पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिवृत्त जो कि ग्राम दूधवा, तहसील पोठरी, जिला सिवपुरी के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये		
क्र.सं.	सर्वे संख्या	क्षेत्र हेक्टेयर में	सर्वे संख्या	क्षेत्र हेक्टेयर में
21.	1038	0.001	1038	0.0010
22.	1048	0.250	1048	0.0350

[संख्या एन-14016/4/95-जी.पी.]

अर्जुन्दु सेन, निदेशक

गुडिपत्र

नई दिल्ली, 21 दिसम्बर, 1995

क्र.सं. 16.—भारत के राजपत्र दिनांक 28 मार्च, 1995 के भाग II, खंड-3, उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.सं. सं. 268 (अ) दिनांक 24 मार्च, 1995 में पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिवृत्त जो कि ग्राम बेरजा, तहसील पोठरी, जिला सिवपुरी के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाय	
क्र.सं. सर्वे संख्या	क्षेत्र हेक्टेयर में	सर्वे संख्या	क्षेत्र हेक्टेयर में
14. 1437	0.3455	1437	0.3435

[सं. एन-14016/4/95-जी.पी.]

अर्जुन्दु सेन, निदेशक

शुद्धिपत्र

नई दिल्ली, 21 दिसम्बर, 1995

का.आ. 17 :- भारत के राजपत्र दिनांक 28 मार्च, 1995 के भाग-II खण्ड 3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस संचालन, भारत सरकार के का.आ. संख्या 260 (अ) दिनांक 24 मार्च, 1995 से पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम गुगरगांव, तहसील पोंहरी, जिला शिवपुरी के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार	निम्न संशोधन के अनुसार पढ़ा जाये
क्र.सं. सर्वे संख्या क्षेत्र हेक्टेयर में	सर्वे संख्या क्षेत्र हेक्टेयर में
02. 554	0.1725 354 0.1725

[सं. एन-14016/4/95-जी.पी.]

अर्धेन्दु सेन, निदेशक

शुद्धिपत्र

नई दिल्ली, 21 दिसम्बर, 1995

का.आ. 18 :- भारत के राजपत्र दिनांक 28 मार्च, 1995 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस संचालन, भारत सरकार के का.आ. संख्या 259 (अ) दिनांक 24 मार्च, 1995 से पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम करारा, तहसील विजयपुर, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार	निम्न संशोधन के अनुसार पढ़ा जाये
क्र.सं. सर्वे संख्या क्षेत्र हेक्टेयर में	सर्वे संख्या क्षेत्र हेक्टेयर में
06. 838	0.1560 888 0.1560

[सं. एन-14016/4/95 जी.पी.]

अर्धेन्दु सेन, निदेशक

शुद्धिपत्र

नई दिल्ली, 21 दिसम्बर, 1995

का.आ. 19 :- भारत के राजपत्र दिनांक 28 मार्च, 1995 के भाग-II खण्ड-3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस संचालन, भारत सरकार के का.आ. संख्या 256 (अ) दिनांक 24 मार्च, 1995 से पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम जापथाप, तहसील जोरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार	निम्न संशोधन के अनुसार पढ़ा जाये
क्र.सं. सर्वे संख्या क्षेत्र हेक्टेयर में	सर्वे संख्या क्षेत्र हेक्टेयर में
48. 46	0.1245 48 0.960

[सं. एन-14016/4/95 जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 20 :- In the Gazette of India Ministry of Petroleum & Natural Gas S.O. No. 255(E) dated 24-3-95 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum & Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Rakhera, Tehsil Jaura, district Morena be read as follows :

As Per Gazette	Be Read As Corrected below
Sr. Survey No. No.	Area in Hectare
30. 94	0.1175 94 1.1175

[No. L—14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 21 :- In the Gazette of India Ministry of Petroleum & Natural Gas S.O. No. 256(E) dated 24-3-95 published on 28-3-95 under sub section(i) of Section 6 of the Petroleum & Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Kherali, Tehsil Jaura, district Morena be read as follows:

As Per Gazette	Be Read as Corrected below
Sr. Survey No. No.	Area in Hectare
04. 736	0.2710 736 0.2910
08. 730	0.0105 730 0.0015
52. 121	0.1813 121 0.1823

[No. L—14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, 21st December, 1995

S.O. 22 :- In the Gazette of India Ministry of Petroleum & Natural Gas S.O. No. 256(E) dated 24-3-95 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum & Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962), in respect of village Dhurkunda, Tehsil Jaura, district Morena be read as follows:

As Per Gazette	Be Read As Corrected Below
Sr. Survey No. No.	Area in Hectare
02. 953	0.084 953 0.0284

[No. L—14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 23 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 256(E) dated 24-3-95 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Kanhar, Tehsil Jaura, district Morena be read as follows:

As Per Gazette		Be Read As Corrected below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
03.	302	302	1.0200
04.	276	296	0.1140

[No. L—14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 24 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 257(E), dated 24-3-95 published on 28-3-95 under sub section(i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), in respect of village Bilauwa, Tehsil Kailaras, district Morena be read as follows :

As Per Gazette		Be Read As Corrected Below	
Area in Hectare		Area in Hectare	
Total : 9709		Total : 3.9709	

[No. L—14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 25 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 257(E) dated 24-3-95 published on 28-3-95 under sub section(i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Singacholi, Tehsil Kailaras, district Morena be read as follows :—

As Per Gazette		Be Read by Corrected Below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
36.	271	271	0.0583

[No. L—14016/4/95-G.P.]

ARDHENUD SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 26 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 258(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), in respect of village Sihkravada, Tehsil Shivpuri, District Shivpuri be read as follows:—

As Per Gazette		Be Read As Corrected Below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
62.	28	28	0.0390

[No. L—14016/4/95-GP]

ARDHENDU, SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 27 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 258(E) dated 24-3-95 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), in respect of village Tanpur, Tehsil Shivpuri, District Shivpuri be read as follows :—

As Per Gazette		Be Read as Corrected Below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
18.	1006	1006	0.6030
44.	247	247	0.0572

[No. L—14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 28 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 260(E) dated 24-3-95 published on 28-3-95 under sub section(i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Gurichha, Tehsil Pohari, District Shivpuri be read as follows :—

As Per Gazette		Be Read as Corrected Below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
20.	765	765	0.38975

[No. L—14016/4/95 G.P.]

ARDEHNDU SEN, Director.

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 29 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 29(E) dated 24-8-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in Land) Act 1962 (50 of 1962), in respect of village Ahalyapur, Tehsil Pohari, district Shivpuri be read as follows :—

As Per Gazette		Be Read as Corrected Below	
Sr. Survey No.	Area in Hectare	Survey No.	Area in Hectare
20. 159	0.0273	157	0.0273
23. 157	0.1400	159	0.1400

[No. L-14016/4/95-G.P.]

ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 21st December, 1995

S.O. 30 :—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 272(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Budora, Tehsil Vijaipur, District Morena be read as follows :—

As Per Gazette		Be Read as Corrected Below	
Sr. Survey No.	Area in Hectare	Survey No.	Area in Hectare
15. 2164	0.0150	2164	0.0160
22. 1257	0.2110	1257	0.2010

[No. L-14016/4/95-G.P.]

ARDHENDU SEN, Director.

शहरी कार्य और नियोजन मंत्रालय

(शहरी कार्य और शरीरी उपस्थान विभाग)

नई दिल्ली, 31 दिसम्बर, 1995

का.श्रा. 31 :—केन्द्रीय सरकार, सरकारी स्थान (अप्रतिष्ठित अधिवासियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई शर्तों के संक्षेप 1 में उल्लिखित अधिकारों को, जो सरकार का राजस्व अधिकारी है, उक्त अधिनियम के प्रयोग के लिए इस अधिनियम के प्रकाशन की तारीख से मन्दा अधिकारी नियुक्त करती है, जो उक्त शर्तों में संक्षेप 2 में सम्पूर्ण प्रदत्त अधिनियम अधिनियम की बाबत, उक्त अधिनियम द्वारा या उसके अधीन प्रदत्त शक्तियों का प्रयोग और अधिनियमित शर्तों का पालन करने अधिकारिता की स्थायी सीमाओं के भीतर करेगा।

अधिकारी का पदनाम

सरकारी स्थान का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं

(1)

(2)

उप सचिव, राज्यपाल सरकार, सामान्य प्रशासन विभाग, सरकारी सचिवालय, जयपुर।

दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र में राज्यपाल सरकार के स्वामित्व और नियंत्रण के अधीन सभी परिसर (आवासीय और गैर आवासीय)।

[21012/3/95 पोल-1]

महेश अरोड़ा, डी. डायरेक्टर (पॉलिसी)

MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
(Department of Urban Affairs & Poverty Alleviation)

New Delhi, the 11th December, 1995

S.O. 31 :—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column 1 of the Table below, acting gazetted officer of Government, to be estate officer with effect from the date of publication of this notification for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate officer by or under the said Act, within the local limits of his jurisdiction in respect of the Public Premises specified in the Corresponding entry in column 2 of the said Table.

TABLE

Designation of the Officer	Category of Public Premises and local limits of jurisdiction.
1	2
Deputy Secretary to the Government of Rajasthan General Administration Department, Government Secretariat Jaipur.	All Premises (both residential and non-residential) owned and controlled by the Government of Rajasthan, in the National Capital Territory of Delhi.

[No. 21012/3/95-Pol-I]

MAHESH ARORA, Dy. Director (Policy)

धन मंत्रालय

नई दिल्ली, 2 दिसम्बर, 1995

का.श्रा. 32 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार भारत सरकार केन्द्र वारा प्रजा के प्रवर्धन के संबंध विषयों और उनके कर्मचारियों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, जर्जोपट्ट को पंक्कट को प्रकाशन करती है, जो केन्द्रीय सरकार को 31-10-95 को प्रकाशित हुआ था।

[नं. एन. 16011/8/81 I R (DU)]

के सी सी उन्नी, डी. अधिकारी

MINISTRY OF LABOUR

New Delhi, the 2nd November, 1995

S.O. 32.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Government of India Text Books Press and their workman, which was received by the Central Government on 31-10-1995.

[No. L-16012/8/81-IR (DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. J. D. 118/90

Shri Kuldeep Singh

Vs.

Text Book Press Chd.

For the workman—A. K. Sharma.

For the management—Shri I. S. Sidhu.

AWARD

Dated, the 21st September, 1995

The Central Government exercising the powers U/S 10(1) (d) of the Industrial Disputes Act, 1947 (for short called as Act) vide its letter No. L-16012/8/81-IR. (DU) dated 5th September 1990, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Government of India, Text Books Press, Chandigarh in terminating the services of Shri Kuldeep Singh, Binding Asstt. w.e.f. 31-1-1989 is legal and justified? If not, to what relief concerned workman is entitled and from what date?"

The workman raised a industrial dispute by serving a demand notice U/S 2-K of the Act, the conciliation proceedings were taken up by the Labour-cum-Conciliation Officer. The same however have failed. The Central Government made the above notice reference.

On receipt of the reference notices were issued to the workman as well as to the management. The workman appeared and submitted his statement of claim dated 6-2-1992. The petitioner was working as Bindery Asstt. with the management and had put in about 9 years and 8 months of service. He was drawing salary of Rs. 1150 per month. His services were terminated vide orders dated 31-1-1989 passed by the management. The workman has assailed his order of removal from service on the ground that the mandatory provision of law have not been followed and the principle of natural justice have been violated. No due opportunity was given to the workman to defend the charges. It was also alleged that the enquiry officer acted as presenting officer in the case. The plea raised is that punishment of dismissal imposed upon the workman is disproportionate to the alleged offence. The workman demands his reinstatement with continuity of service and back wages with all consequential benefits.

The management has resisted the claim of the workman. It was pleaded that the reference is not competent as the order of dismissal from service dated 31-1-1989 has merged in the order passed in appeal dated 4-5-1989 passed by the Director, Directorate of Printing, B. Wing, Nirman Bhawan, New Delhi and the last order passed in appeal is not the subject matter of the dispute. On merits, it was pleaded that the impugned order dated 31-1-1989 is justified, valid and passed in accordance with rules and hence deserves to

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be sustained. The management prayed for the rejection of the claim of the workman.

The workman submitted replication controverting the allegations on the management as made in the written statement and reiterated his earlier assertions of the claim statement.

The workman produced his own affidavit Ex. W-1 and was cross-examined. The management produced affidavit Ex. M-1 of S. N. Banerjee, Asstt. Manager (Admin.) of the Government Text Book Press, Chandigarh and also tendered into evidence enquiry file Ex. M-2.

I have heard the representatives of the parties.

The charges against the workman were that while he was under suspension, in Government of India Text Book Press, Chandigarh during the period from 15-9-83 to 8-8-84, Shri Kuldeep Singh workman remained in the employment as a security guard with M/s. Micron Instrument Pvt. Ltd. Chandigarh for the period from 9-11-83 to 21-1-1984 without permission of the competent authority. 11nd article of charge against the workman was that he furnished false non-employment certificate for getting subsistence allowance from the press, whereas he performed the duties of security guard while in the employment of M/s. Micron Instruments Pvt. Ltd., Chandigarh. The 3rd charge was that the workman got monthly wages of Rs. 377 per month from M/s. Micron Instruments Pvt. Ltd. Chandigarh, whereas he got subsistence allowance @ Rs. 105.50 from 15-9-83 to 14-12-83 and Rs. 158.25 plus other allowances as admissible from 15-12-83 to 21-1-84 while under suspension in the Press. Thus he cheated the Government and got wages @ Rs. 377 P.M. for the period from 9-11-83 to 21-1-84 in addition to subsistence allowance. These charges stood proved against the workman. During his statement made by him during the cross-examination, he admitted that he had been working outside during the pendency of the enquiry. He also admitted that he had submitted non-employment certificate. The perusal of the allegations made in para No. 3 of the claim Statement also shows that the workman had served somewhere during the suspension period as he has large family to support. The perusal of enquiry file Ex. M-2 shows that the workman admitted the charges and also told the enquiry officer that he did so under unavoidable circumstances. The perusal of the statement made by the workman before the enquiry officer also shows that he admitted the charges in his statement made before the enquiry officer. On the basis of the statement made by the workman before the enquiry officer, the charges against the delinquent were held to be proved.

Mr. A. K. Sharma, learned representative of the workman has not assailed the validity of the domestic enquiry, held against the workman. His only grouse is that the punishment of dismissal is disproportionate to the gravity of the misconduct. He cited Sukhdev Singh Vs. State of Punjab and others 1983 (2) S.L.R. 645 wherein it was held as under :—

Constitution of India, Article 311, Punjab Police Rules 1934 rule 16.2 (1)-Dismissal/Misconduct-Provision of rule 16.2 (1)-Mandatory-dismissal shall be awarded only for the gravest acts of misconduct proving incorrigibility and complete unfitness of service. In making such an award regard shall be had to the length of service of the offender and his claim to pension-Order of D.I.G. that the single act of the appellant is of gravest nature and his case in no way deserves leniency. Lenality of nowhere recorded by any of the authorities concerned that the petitioner was guilty of such gravest acts of misconduct, the cumulative effect of which can go to prove incorrigibility and complete unfitness for police service—Authorities can not resort to the punishment of dismissal on the basis of charges established against the petitioner. Dismissal order set aside."

I have gone through the facts of the reported case. It was a case of dismissal under the Punjab Police Rules 1934. According to Rule 16.2(1) of the said rules, the dismissal could be awarded for the grave acts of misconduct. I find no such contingent in the present case. This case is under the Industrial Disputes Act. The only requirement to be seen by this court is as to whether mandatory provisions of law as contained in Section 25-F of the Act has been followed or not and if a domestic enquiry has been conducted, the same is in accordance with the rules on the subject or not. No such infirmity has either been pointed out or proved. In view of admission of the charges, by the workman, before the enquiry officer in para 3 of the claim statement as also in his statement made before the Court, no fault can be found with the enquiry conducted against the workman and

as such the order of termination as passed by the management does not suffer from any illegality. The workman is therefore, not entitled to relief on account of the same. In view of this, I therefore, hold that the termination of the services of the workman Kuldeep Singh vide order dated 31-3-1992 is legal and justified and workman is not entitled to any relief.

The reference shall stand answered accordingly. Appropriate Government be informed.

Chandigarh,

Dated : 21-9-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 1995

का.आ. 33:- प्रसूति प्रसुविधा अधिनियम, 1961 (1961 का 53) की धारा 14 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की दिनांक 30 जुलाई, 1980 की अधिसूचना संख्या का.आ. 2203 के अधिक्रमण में ऐसे अधिक्रमण से पूर्व किये गये कार्य या करने के लिए छोड़े गये कार्यों के अलावा, केन्द्रीय सरकार निम्नलिखित अनुसूची के कालम 2 में उल्लिखित अधिकारियों को उक्त अधिनियम के प्रयोजन से निरीक्षक नियुक्त करती है जिनका कार्यक्षेत्र उक्त अनुसूची के कॉलम 3 में यथा विनिर्दिष्ट है :-

अनुसूची

क्रम सं.	अधिकारी	कार्यक्षेत्र
(1)	(2)	(3)
1. मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली	सम्पूर्ण भारत	
2. संयुक्त मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली		
3. सभी उप मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली		
4. मुख्य सलाहकार (श्रम कल्याण), मुख्य श्रमायुक्त (केन्द्रीय) कार्यालय, नई दिल्ली		
5. मुख्य श्रमायुक्त मुख्यालय नई दिल्ली में तैनात क्षेत्रीय श्रमायुक्त (केन्द्रीय)		
6. मुख्य श्रमायुक्त मुख्यालय, नई दिल्ली में तैनात सहायक श्रमायुक्त (केन्द्रीय)		
7. मुख्य श्रमायुक्त मुख्यालय, नई दिल्ली में तैनात श्रम प्रवर्तन अधिकारी (केन्द्रीय)		
8. उप मुख्य श्रमायुक्त (केन्द्रीय) बंगलौर	आंध्र प्रदेश, कर्नाटक, तमिलनाडु, केरल और संघ राज्य क्षेत्र पांडिचेरी तथा लक्षद्वीप के पूर्ण राज्य	महाराष्ट्र, गुजरात, मध्य प्रदेश, गोवा और संघ राज्य क्षेत्र दमण व दीव तथा दादरा व नगर हवेली के पूर्ण राज्य
9. उप मुख्य श्रमायुक्त (केन्द्रीय) बम्बई		
10. उप मुख्य श्रमायुक्त (केन्द्रीय) बम्बई के कार्यालय में तैनात सहायक श्रमायुक्त अधिकारी (केन्द्रीय)		
11. उप मुख्य श्रमायुक्त (केन्द्रीय) धनबाद	बिहार, उड़ीसा, पश्चिम बंगाल, सिक्किम, असम, नागालैंड, मेघालय, त्रिपुरा, मणिपुर, मिजोरम, अरुणाचल प्रदेश और संघ राज्य क्षेत्र अंडमान और निकोबार द्वीप समूह के पूर्ण राज्य	गुजरात राज्य, दादरा व नगर हवेली और दमण व दीव संघ राज्य क्षेत्र
12. क्षेत्रीय श्रमायुक्त (केन्द्रीय), अजमेर		
13. अजमेर क्षेत्र में सभी सहायक श्रमायुक्त (के.)		
14. अजमेर क्षेत्र में सभी श्रम प्रवर्तन अधिकारी (के.)	राजस्थान राज्य	
15. क्षेत्रीय श्रमायुक्त (केन्द्रीय), अहमदाबाद		
16. अहमदाबाद क्षेत्र में सभी सहायक क्षेत्रीय श्रमायुक्त (केन्द्रीय)		
17. अहमदाबाद क्षेत्र में सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय)		

(1)	(2)	(3)
18. क्षेत्रीय श्रमायुक्त (के.) आसनसोल	}	पश्चिम बंगाल राज्य में बुरुद्वान, बिरभूम, बांकुरा और पुरुलिया जिले
19. आसनसोल क्षेत्र में सभी सहायक श्रमायुक्त (के.)	}	
20. आसनसोल क्षेत्र में सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय)	}	
21. क्षेत्रीय श्रमायुक्त (केन्द्रीय), बम्बई	}	नागपुर, भंडारा, अकोला, अमरावती, वर्धा, बुलढाना, जलगांव, चन्द्रापुर, गवचिरीली, नानदेड, परभानी, यवतमाल, ओसमानाबाद, लातूर और बीड जिलों को छोड़कर महाराष्ट्र राज्य और गोवा राज्य
22. बम्बई क्षेत्र में सभी सहायक श्रमायुक्त (केन्द्रीय)	}	
23. बम्बई क्षेत्र में सभी श्रम प्रवर्तन अधिकारी (केन्द्रीय)	}	
24. क्षेत्रीय श्रम आयुक्त (के.) भुवनेश्वर	}	उड़ीसा राज्य
25. भुवनेश्वर क्षेत्र में सभी सहायक श्रम आयुक्त (केन्द्रीय)	}	
26. भुवनेश्वर क्षेत्र में सभी श्रम प्रवर्तन अधिकारी	}	
27. क्षेत्रीय श्रम आयुक्त (के.), बंगलौर	}	कर्नाटक राज्य
28. बंगलौर क्षेत्र के सभी सहायक श्रम आयुक्त (के.)	}	
29. बंगलौर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
30. क्षेत्रीय श्रम आयुक्त (के.), कलकत्ता	}	बुरुद्वान, बिरभूम और पुरुलिया जिलों को छोड़कर पश्चिम बंगाल राज्य, सिक्किम राज्य, अण्डमान और निकोबार केन्द्रशासित प्रदेश
31. कलकत्ता क्षेत्र के सभी सहायक श्रम आयुक्त (के.)	}	
32. कलकत्ता क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
33. क्षेत्रीय श्रम आयुक्त (के.) चंडीगढ़	}	हिमाचल प्रदेश, हरियाणा, पंजाब, जम्मू और कश्मीर राज्य और चंडीगढ़ केन्द्र शासित प्रदेश
34. चंडीगढ़ क्षेत्र के सभी सहायक आयुक्त श्रम (के.)	}	
35. चंडीगढ़ क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
36. क्षेत्रीय श्रम आयुक्त (केन्द्रीय), कोचीन	}	केरल राज्य और लक्षद्वीप संघ राज्य क्षेत्र
37. कोचीन क्षेत्र के सभी सहायक श्रमायुक्त (केन्द्रीय)	}	
38. कोचीन क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
39. क्षेत्रीय श्रमायुक्त (के.), धनबाद	}	बिहार राज्य में धनबाद, देवगढ़, गिरौडिह, हजारीबाग, रांची, गुमला, लोहारडगा और सिधभूम जिले
40. धनबाद क्षेत्र सभी सहायक श्रमायुक्त (के.)	}	
41. धनबाद क्षेत्र के सभी श्रमप्रवर्तन अधिकारी (के.)	}	
42. क्षेत्रीय श्रमायुक्त (के.), गुवाहाटी	}	असम, नागालैंड, मेघालय, त्रिपुरा, मणिपुर, मिजोरम और अरुणाचल प्रदेश राज्य
43. गुवाहाटी क्षेत्र के सभी सहायक श्रमायुक्त (के.)	}	
44. गुवाहाटी क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
45. क्षेत्रीय श्रमायुक्त (केन्द्रीय), हैदराबाद	}	आंध्र प्रदेश राज्य और संघ राज्य क्षेत्र पांडिचेरी का यनम
46. हैदराबाद क्षेत्र के सभी सहायक श्रमायुक्त (के.)	}	
47. हैदराबाद क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
48. क्षेत्रीय श्रमायुक्त (के.), मद्रास	}	तमिलनाडु राज्य और यनम के अलावा संघ राज्य क्षेत्र पांडिचेरी
49. मद्रास क्षेत्र के सभी सहायक श्रमायुक्त (के.)	}	
50. मद्रास क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
51. क्षेत्रीय श्रमायुक्त (के.) नागपुर	}	महाराष्ट्र राज्य के नागपुर, भंडारा, अकोला, अमरावती, वर्धा, बुलढाना, जलगांव, चन्द्रापुर, गोवचिरीली, नानदेड, परभानी, यवतमाल, ओसमानाबाद, लातूर और बीड जिले राष्ट्रीय राजधानी क्षेत्र दिल्ली
52. नागपुर क्षेत्र के सभी सहायक श्रमायुक्त (के.)	}	
53. नागपुर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
54. क्षेत्रीय श्रमायुक्त (के.), नई दिल्ली	}	
55. नई दिल्ली क्षेत्र के सभी सहायक श्रमायुक्त (के.)	}	
56. नई दिल्ली क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
57. क्षेत्रीय श्रम आयुक्त (के.), जबलपुर		मध्य प्रदेश राज्य
58. जबलपुर क्षेत्र के सभी सहायक श्रम आयुक्त (के.)	}	
59. जबलपुर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	
60. क्षेत्रीय श्रम आयुक्त (के.), कानपुर		उत्तर प्रदेश राज्य
61. कानपुर क्षेत्र के सभी सहायक श्रम आयुक्त (के.)	}	
62. कानपुर क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	

(1)	(2)	(3)
63. क्षेत्रीय श्रम आयुक्त (के.), पटना		बिहार राज्य के संथाय परगना, रोहतास, भोजपुर, गया,
64. पटना क्षेत्र के सभी सहायक श्रम आयुक्त (के.)	}	औरंगाबाद, जहानाबाद, नवादा, नांदेदा, मुंगेर, भागलपुर,
65. पटना क्षेत्र के सभी श्रम प्रवर्तन अधिकारी (के.)	}	गौडा, कटिहार, पूर्णिया, मधुबनी, बेगूसराय, वैशाली,
		मुजफ्फरपुर, सीतामढ़ी, पूर्वी चम्पारन, पश्चिमी चम्पारन,
		दरभंगा, समस्तीपुर, सहरसा, पटना, सारन, सिवान,
		गोपालगंज, खगरिया, भदोही, पलामू और साहीबगंज।

[सं.एस. 36025/4/89-एस.एस.-1]

जे.पी. शुक्ल, प्रवर सचिव

New Delhi, the 4th December, 1995

S.O. 33. —In exercise of the powers conferred by Section 14 of the Maternity Benefit Act, 1961 (53 of 1961) and in supersession of the notification of the government of India in the Ministry of Labour S.O.2203 dated the 30th July, 1980, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in Column 2 of the Schedule below, to be the Inspectors for the purpose of the said Act, having jurisdiction as specified in column 3 of the said schedule :—

SCHEDULE

S. No.	Officers	Jurisdiction
(1)	(2)	(3)
(1) Chief Labour Commissioner (Central), New Delhi. (2) Joint Chief Labour Commissioner (Central), New Delhi. (3) All Deputy Chief Labour-Commissioners (Central) New Delhi. (4) Chief Adviser (Labour Welfare O/O, Chief Labour Commissioner (Central) New Delhi. (5) Regional Labour Commissioner (Central) posted at CLC's Head Qrt., New Delhi. (6) Assistant Labour Commissioners (Central) posted at CLC's Head Qrt., New Delhi. (7) Labour Enforcement Officers (Central) posted at CLC's Head Qrt., New Delhi.		Whole of India
(8) Dy. Chief Labour Commissioner (Central), Bangalore.		Whole States of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, and Union Territories of Pondicherry & Lakshadweep.
(9) Deputy Chief Labour Commissioner (Central), Bombay.		Whole States of Maharashtra, Gujarat, Madhya Pradesh, Goa and Union Territories Daman & Diu & Dadra & Nagar Haveli.
(10) Assistant Labour Commissioner (Central) posted in the Office of Dy. Chief Labour Commissioner (Central) Bombay.		Same as Dy. Chief Labour Commissioner (C) Bombay.
(11) Deputy Chief Labour Commissioner (Central), Dhanbad.		Whole States of Bihar, Orissa, West Bengal, Sikkim, Assam, Nagaland, Meghalaya, Tripura, Manipur, Mizoram, Arunachal Pradesh, & Union Territory of Andaman & Nicobar Islands.
(12) Regional Labour Commissioner (Central) Ajmer. (13) All Asstt. Labour Commissioners (Central) in the Ajmer Region. (14) All Labour Enforcement Officers (Central) in the Ajmer Region.		State of Rajasthan.
(15) Regional Labour Commissioner (Central) Ahmedabad. (16) All Asstt. Labour Commissioners (Central) in the Ahmedabad Region. (17) All Labour Enforcement Officers (Central) in the Ahmedabad Region.		State of Gujarat, Union Territories of Dadra Nagar Haveli & Daman & Diu.
(18) Regional Labour Commissioner (Central), Asansol. (19) All Asstt. Labour Commissioners (Central) in the Asansol Region. (20) All Labour Enforcement Officers (Central) in the Asansol Region.		Dists. of Burdwan, Birbhum, Bankura, & Purulia in the State of West Bengal.
(21) Regional Labour Commissioner (Central), Bombay. (22) All Asstt. Labour Commissioners (Central) in the Bombay Region. (23) All Labour Enforcement Officers (Central) in the Bombay Region.		The State of Maharashtra excluding the districts of Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhara, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur & Beed. and State of Goa.

(1)	(2)	(3)
(24) Regional Labour Commissioner (Central), Bhubaneswar.		
(25) All Asstt. Labour Commissioners (Central) in the Bhubaneswar Region.		The State of Orissa.
(26) All Labour Enforcement officers (Central) in the Bhubaneswar Region.		
(27) Regional Labour Commissioner (Central), Bangalore.		
(28) All Asstt. Labour Commissioners (Central) in the Bangalore Region.		The State of Karnataka.
(29) All Labour Enforcement Officers (Central) in the Bangalore Region.		
(30) Regional Labour Commissioner (Central), Calcutta.		The State of West-Bengal excluding the districts of Burdwan, Birbhan & Pargana, State of Sikkim, Union Territory of Andaman & Nicobar.
(31) All Asstt. Labour Commissioners (Central) in the Calcutta Region.		
(32) All Labour Enforcement Officers (Central) in the Calcutta Region.		
(33) Regional Labour Commissioner (Central) Chandigarh.		The States of Himachal Pradesh, Haryana, Punjab, J & K and Union Territory of Chandigarh.
(34) All Asstt. Labour Commissioners (Central) in the Chandigarh Region.		
(35) All Labour Enforcement Officers (Central) in the Chandigarh Region.		
(36) Regional Labour Commissioner (Central) Cochin.		The State of Kerala & Union Territory of Lakshadweep.
(37) All Asstt. Labour Commissioners (Central) in the Cochin Region.		
(38) All Labour Enforcement Officers (Central) in the Cochin Region.		
(39) Regional Labour Commissioner (Central) Dhanbad.		Districts of Dhanbad, Deoghar, Giridih, Hazaribagh, Ranchi, Gumla, Lohardaga & Singhbhum in the State of Bihar.
(40) All Asstt. Labour Commissioners (Central) in the Dhanbad Region.		
(41) All Labour Enforcement Officers (Central) in the Dhanbad Region.		
(42) Regional Labour Commissioner (Central) Guwahati.		The States of Assam, Nagaland, Meghalaya, Tripura, Manipur, Mizoram & Arunachal Pradesh.
(43) All Asstt. Labour Commissioners (Central) in the Guwahati Region.		
(44) All Labour Enforcement Officers (Central) in the Guwahati Region.		
(45) Regional Labour Commissioner (Central), Hyderabad.		The State of Andhra Pradesh & Yanam of Union Territory of Pondicherry.
(46) All Asstt. Labour Commissioners (Central) in the Hyderabad Region.		
(47) All Labour Enforcement Officers (Central) in the Hyderabad Region.		
(48) Regional Labour Commissioner (Central) Madras.		The State of Tamil Nadu and the Union Territory of Pondicherry except Yanam.
(49) All Asstt. Labour Commissioners (Central) in the Madras Region.		
(50) All Labour Enforcement Officers (Central) in the Madras Region.		
(51) Regional Labour Commissioner (Central) Nagpur.		Districts of Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Godhrirohi, Nanded, Parbhani, Yeotmal, Osmanabad, Latur & Beed of Maharashtra State.
(52) All Asstt. Labour Commissioners (Central) in the Nagpur Region.		
(53) All Labour Enforcement Officers (Central) in the Nagpur Region.		
(54) Regional Labour Commissioner (Central) New Delhi.		National Capital Territory of Delhi.
(55) All Asstt. Labour Commissioners (Central) in the New Delhi Region.		
(56) All Labour Enforcement Officers (Central) in the New Delhi Region.		
(57) Regional Labour Commissioner (Central), Jabalpur.		The State of Madhya Pradesh.
(58) All Asstt. Labour Commissioners (Central) in the Jabalpur Region.		
(59) All Labour Enforcement Officers (Central) in the Jabalpur Region.		
(60) Regional Labour Commissioner (Central), Kanpur.		The State of U.P.
(61) All Asstt. Labour Commissioners (Central) in the Kanpur Region.		
(62) All Labour Enforcement Officers (Central) in the Kanpur Region.		
(63) Regional Labour Commissioner (Central) Patna.		Districts of Patna, Bhojpur, Gaya, Aurangabad, Jehanabad, Nawada, Nalanda, Munger, Bhagalpur, Gonda, Kaimur, Barua, Madhubani, Begusarai, Vaishali, Muzaffarpur, Sitamarhi, East Champaran, West Champaran, Darbhanga, Samastipur, Shriarua, Patna, Saran, Siwan, Gopalganj, Khagaria, Madhepura, Palamau, & Sahibganj, of Bihar State.
(64) All Asstt. Labour Commissioners (Central) in the Patna Region.		
(65) All Labour Enforcement Officers (Central) in the Patna Region.		

नई दिल्ली, 11 दिसम्बर, 1995

का. आ. 34.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैसर्स भारत कोकिंग कोल लिमिटेड की भौवरा (साउथ) कोलियरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-95 को प्राप्त हुआ था।

[संख्या-एल-20012/187/89-आई. आर. (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 11th December, 1995

S.O. 34.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhowra (S) Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 8-12-1995.

[No. L-20012/187/89-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947
Reference No. 138 of 1991

PARTIES :

Employers in relation to the management of Bhowra (S) Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri H. Nath, Advocate.

For the Workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 28th November, 1995

AWARD

By Order No. L-20012/187/89-IR (Coal-I) dated 27-11-91 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of Bihar Mines Lal Jhanda Mazdoor Union that Shri Basudeo Rajar and 12 others shown in the Annexure who were employed by a Contractor be treated as employees of the management of Bhowra (S) Colliery of M/s. Bharat Coking Coal Ltd. and regularised in their services is justified? If so, to what relief are the persons concerned are entitled?"

2. Despite notice having been sent to the sponsoring Union through registered post vide order dated 19-9-95 none appeared to represent it. From order dated 19-9-95 it will appear that its authorised lawyer Shri B. M. Lal had also submitted that the sponsoring Union or the related workmen were not taking any interest. It, therefore, appears that

the sponsoring Union and the concerned workmen are no longer interested in pursuing this reference. This reference was placed for evidence of the sponsoring Union by order dated 20-9-94 and since then, till 3-11-95, the sponsoring Union had not taken any interest. It, therefore, appears that the sponsoring Union has ceased to have any dispute with the management.

Under such circumstances, I render a 'no dispute' award in the present reference.

P. K. SINHA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 35.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैसर्स भारत कोकिंग कोल लि. का ब्लॉक 2 क्षेत्र के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-95 को प्राप्त हुआ था।

[संख्या-20012/253/86-डी-3(ए)/आई. आर. (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 12th December, 1995

S.O. 35.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Block II Area of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 8-12-95.

[No. L-20012(253)/86-D-III(A)/IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 102 OF 1987

Employers in relation to the management of Block II Area of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : The concerned workman himself.

On behalf of the employers : B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 30th November, 1995

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(253)/86-D-III (A), dt. January, 1987.

SCHEDULE

"Whether the demand of Coalfields Labour Union that the management of Block-II Area of Messrs. Bharat Coking Coal Limited should regularise their workman, Shri S. A. Ansari as Electrical Supervisor with payment of difference of wages to him in Technical and Supervisory Grade-'A' in accordance with the job said to have been actually performed by him is justified? If so, to what relief is the said workman entitled?"

2. In this case both the parties appeared and filed their respective W. S. and documents. Thereafter the case proceeded along its course. Subsequently when the case was fixed both the parties appeared before me and filed a petition of compromise. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper, beneficial and legal one. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

D. K. NAYAK, Presiding Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
DHANBAD

Reference No. 102/87

Employers in relation to the management of Block II
Area of M/s. Bharat Coking Coal Ltd. and their
workmen.

Petition of Compromise

The humble petition on behalf of the parties to the above
reference most respectfully sheweth—

1. That the above dispute has been amicably settled
between the parties of the following terms—

Terms of Settlement

- (a) That the concerned workman, Shri S. A. Ansari
will be given regional seniority in technical and super-
visory grade. A writ affect from 6-9-1987 as per
the provisions of NCWA-IV and his present basic
salary will be fixed considering his notional seniority
from 6-9-1987.
- (b) That the concerned workman will not claim any
difference of wages from 1987, till his fixation is
made considering his notional seniority from 6-9-1987;
He will be eligible for payment of wages in grade A
prospectively as per the new basic pay to be fixed
within one month from the date of settlement.
- (c) That the concerned workman will not claim any other
benefit in future in this regard, either directly him-
self or through any union.

2. That in view of the aforesaid settlement, there exists
to further dispute between the parties

Under the facts and circumstances stated above, the Hon'
ble Tribunal will be graciously pleased to accept the settle-
ment as fair and proper and be pleased to pass the Award
in terms of the settlement.

For the Workmen :

Sd/-

1. (R. P. Singh)
As. Secy. B.C.K.U

Sd/-

2. (S. A. Ansari)

For the Employers :

Sd/-

1. (illegible)

Sd/-

2. (R. D. Sharma)
Dy. P.M.

Witnesses :

Sd/-

1. (S. K. Rev Chaudhary)

Sd/-

2. (Jagdish Kumar).

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 36.—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार सिन्डिकेट बैंक के प्रबंधन के संबंध नियोजकों
और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक
विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित
करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ
था।

[संख्या एल-12012/309/91/आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 12th December, 1995

S.O. 36.—In pursuance of Section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Industrial Tribunal, Madras
as shown in the Annexure in the Industrial Dispute between
the employers in relation to the management of Syndicate
Bank and their workmen, which was received by the Central
Government on 11-12-95.

[No. L-12012/309/91-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 10th day of November, 1995

Present :

THIRU N. SUBRAMANIAN, B.A.B.L.

INDUSTRIAL DISPUTE NO. 35 OF 1992

(In the matter of the dispute for adjudication under Sec-
tion 10(1)(d) of the Industrial Disputes Act, 1947
between the Workmen and the Management of Syndi-
cate Bank, Madras).

BETWEEN

The Workmen represented by :

The General Secretary,
Syndicate Bank Employees' Union,
Central Office, 55, Armenian Street,
P.B. No. 180, Madras-600 001.

AND

The Deputy General Manager,
Syndicate Bank, P.B. No. 150,
Luz Church Road, Madras-600 004.

Reference :

Order No. L-12012/309/91-IR(B-II), dated 26-3-92, Min-
istry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the
1st day of November, 1995 upon perusing the reference, Claim
and Counter Statements and all other material papers on
record and upon hearing the arguments of Thiru U. P. Shet,
Authorised representative for the Workmen and of Thiru K.
Veeraraghavan, Advocate appearing for the Management, and
this dispute having stood over till this day for consideration,
this Tribunal made the following.

AWARD

The Government of India, by its letter No. L-12012/309/91-
IR(B-II), dt. 26-3-92, referred for adjudication before this
Tribunal u/s. 10(1)(d) of the Industrial Disputes Act, 1947

regarding the dispute :

“Whether the action of the Management of Syndicate Bank in deducting the wage for full day for 5-5-89 in respect of 13 workmen as per Annexure is justified? If not to what relief is the workmen entitled to?”

S/Shri

1. S. Raman.
2. K. Chandrasekaran.
3. Rajasekar.
4. Raghavan.
5. M. Manivannan.
6. Balaji Srinivasan.
7. Ashokan.
8. Ashokraj.
9. Sundaravadivelu.
10. Ramesh Chandran.
11. Venkatasubramanian.
12. S. Shivakumar.
13. Ananthakrishnan.

After services of notices, the petitioner and the respondent filed their Claim statement and Counter respectively.

2. The case of the Petitioner-Union is as follows : The Petitioner-Union is an All India Organisation with registered office at Fombay and Central Office at Madras. It is recognised by the respondent bank in 1964 under the Code of discipline. The respondent bank's zonal office was functioning at Luz Church road, Mylapore, Madras. The total staff strength including Officers at the relevant time was about 105 and the Workmen about 60. The respondent signed a Settlement in 1964 accepting the provisions of the Code of Discipline and the recommendation of the Petitioner-Union. The then Deputy General Manager in violation of the provisions of the Code of Discipline was encouraging union rivalry by having regular discussions with representatives of the minority rival union. The representatives of the Petitioner-Union and also other members prevailed upon the Deputy General Manager not to have discussions with the representatives of the rival union. The respondent deliberately discarded the peaceful approach of the petitioner-union and continued to hold discussions with rival union representatives. On 5-5-89, two representatives of the rival union were having talks with the then Deputy General Manager. After having seen the unfair labour practice of the Deputy General Manager representatives of the Petitioner-union Sri Manivannan and others called on the Deputy Manager and persuaded him not to have talks or discussions with the representatives of the rival union. When the rival Union's representatives left the cabin of the Deputy General Manager, the members of the Petitioner-Union also left the Cabin and went to their seats. The members of the Petitioner-union did not strike work or they did have demonstration with any demand. The presence of the 13 members of the Petitioner-union in the cabin of the Deputy General Manager was to persuade him not to have discussions with the minority rival union. The presence of the members in the cabin did not last for more than 10 minutes or 15 minutes. There was no partial strike or cessation of work on 5-5-89. Calling on the Deputy General Manager with a view to persuade him not to have discussions with the rival union cannot be termed as strike and invoke the rules of 'No Work No Pay'. All the 13 members completed the day's work and were present in the Office during the working hours. Work allotted to the concerned Officers were also supervised by the Officers. Notice dated 5-5-89 exhibited in the notice board of the Zonal Office is wrong and illegal. The members came to know of the notice only 6-5-89 in the morning while attending to their duties. On 5-5-89, no Officer in their departments advised them not to complete the allotted work for the day. The timing given in the notice dated 5-5-89 and the timing narrated in the reply statement to the Regional Labour Commissioner differs. With regard to the deduction of wages, the Head Office of the respondent-bank has laid down unambiguous directions. Their Circular No. 307/88/RC/PT/67/TRD dt. 25-10-88 states that no deduction of wage can be made if the Manager or Officer permits the employee to work after the temporary cessation of work. Even admitting for argument sake, that there was cessation of work on 5-5-89, no Manager, Officer objected to the continuation of the duties allotted to them. Therefore the Tribunal may be pleased to direct the respondent to pay the wages deducted by them by passing an award.

3. The respondent filed his counter contending that the respondent-bank is a Nationalised bank having its Head Office at Madras. During the relevant period, the Madras Zone had comprised of 87 branches, and 7 Administrative offices including the Madras Zonal office. The Syndicate Bank Employees Union was recognised under the Code of Discipline by the bank in 1965. The allegation that the Deputy General Manager was encouraging Union rivalry by holding discussions with the minority union and the representatives of the Petitioner-Union prevailed upon the Deputy General Manager not to have discussions are all incorrect. The respondent-Management neither indulged in unfair labour practice, nor encouraged minority union as contended by the petitioner. On 5-5-89 around 12.25 p.m. two employees of the bank approached the Deputy General Manager in his cabin. As and when the two employees entered the Deputy General Manager's cabin, the 13 employees of Petitioner-Union also entered, in the Deputy General Manager's cabin and persuaded that he should not speak to those employees. When the Deputy General Manager advised the said 13 employees to leave the cabin, they refused to go out. At 12.30 p.m. the Deputy General Manager advised them to resume their work failing which matter would be viewed seriously. They were further informed if they fail to leave the cabin, they should not resume work for the day and that their wages should be deducted, for the day. The said employees continue to present inside the cabin, in spite of the Deputy General Manager's advice and caution, abandoning their work till 1.25 p.m. under these circumstances, a notice dated 5-5-89 was put up in the Zonal office immediately, after the incident, stating that the concerned employees should not be eligible for the salary for that day and advising them not to work for the rest of the day. They left the cabin only after the two employees left at 1.25 p.m. The conduct of the above said 13 employees amount to breach of contract of the employment as they abandoned their work for nearly an hour. It is well settled in law that whenever there is a breach of contract of employment, the concerned employees will not earn salary for the whole day. This principle has been contemplated in the bank's circular, of the year 1979. Again the said principle was emphasized in the Circular dated 0-5-82. A notice was displayed inside the Branch Office premises as per the Circular No. 307/88. The 13 employees abandoned their work from 12.30 to 1.25 p.m. and were present in the Deputy General Manager's Cabin. The notice dated 5-5-89 was displayed on the bank's notice board immediately after the incident before the closure of normal working hours. It will not be feasible for the Officers of the bank to physically prevent the agitating employees from resuming the work. Their resumption of work as alleged by the employees, is illegal and contrary to the circular. The action of wage cut has been done by the bank only as per the duly notified circulars governing the terms and conditions of service of the employees. Hence the claim of the Petitioner-Union may be dismissed with cost.

4. By consent Exs. W-1 to W-3 and Exs. M-1 to M-5 were marked.

5. The Point for consideration : Whether the action of the Management of Syndicate Bank in deducting wage for full day for 5-5-89 in respect of 13 workmen as per Annexure is justified? If not to what relief is the workmen entitled to?

ANNEXURE

1. Shri S. Raman
2. Shri K. Chandrasekaran
3. Shri Rajasekar
4. Shri Raghavan
5. Shri M. Manivannan
6. Shri Balaji Srinivasan
7. Shri Ashokan
8. Shri Ashokraj
9. Shri Sundaravadivelu
10. Shri Ramesh Chandran
11. Shri Venkatasubramanian
12. Shri S. Shivakumar
13. Shri Ananthakrishnan.

6. The Point.—The case of the petitioner-union is that the 13 employees whose names are given in the petition are members of the Petitioner-Union. The then Deputy General Manager was encouraging union rivalry and he was having talks and discussions with the rival minority union which was objected by the Petitioner-Union and its members. It is also contended by the petitioner, the then Deputy General Manager was having discussions with the minority union during working hours. But the same was denied to the petitioners. On 5-5-89, two representatives of the Minority union entered the cabin of the Deputy General Manager, had discussions at about 12.25 p.m. The petitioners after coming to know of this fact, entered the cabin of the Deputy General Manager and protested the Deputy General Manager to have talks and discussions with the minority union representatives. In spite of the protest, the Deputy General Manager was having talk with two representatives. Therefore, these 13 persons stayed in the cabin till the two representatives of the minority union left the cabin. Thereafter these members resumed their work and completed the day's work on the day. But they are denied full day wages for these members. On the other hand it is contended by the respondents that these 13 members all of a sudden entered into the cabin of the Deputy General Manager and stayed there in spite of the request and advice by the Deputy General Manager, asking them to leave the cabin and resume their work. It is also contended that it was informed to them, if they continue to stay there without attending to work, their wage will be cut for the day as per the Contract of Employment. Admittedly the two representatives of the Minority Union left by 1.30 p.m. Thereafter these members left the cabin of the Deputy General Manager and attended their day work. Immediately the Deputy General Manager put up a notice Ex. M-5 on the same day stating that the 13 members have not carried out the duties entrusted to them from 12.35 p.m. to 1.25 p.m. and their action is breach of contract of employment and as such they have not earned their salary for that day. Further they are advised not to work for the rest of the day. The Manager as per the Circular Ex. M-2 dated 10-5-82 stopped the wages for these 13 employees. Clause 1 of the Circular reads as follows : "Disentitlement of full day's wages for partial day's absence/Cessation of work by the employees (Circular No. 258/79/BC/PD/18/IRD dated 4-10-1979). If an employee of the Bank does not report for work or does not work during any part of his working hours, he will be in breach of his contract and will not earn salary for that day and consequently he need not report duty for the rest of the working hours for that day.

7. It is argued by the petitioner's counsel as per the Circular dated 10-9-92 No. 177/92/BC/PD/34/IRD Ex. W-4, Clause 5 "If for any justified reason, the Manager/Officer concerned allots work to an employee after temporary cessation of work, then pro-rata wages are to be deducted from the employees for the period during which he/she did not perform work wages are payable pro-rata for the work done and hence deductible for the work not done." In the present case, after the representatives of the Minority Union left the cabin these staff also left the cabin and resumed their work and completed their day work. Therefore, they are permitted to continue and resume their work after the cessation of the work for particular time. Further the action of the members will not amount to strike or agitation. It is only a peaceful method of representation made to the Deputy General Manager. Even taking that they did not work for one hour i.e. from 12.25 p.m. to 1.25 p.m. as per Ex. W-4, they are entitled to pro-rata wages for the work done on that day. On the other hand it is contended by the Management, as per Ex. M-2 circular they are not entitled for any wages on that day. Ex. M-4 is another Circular dated 25-10-88 issued by the Management superseding the previous circulars issued. Clause "F" of the Circular Ex. M-4 reads as follows :

"ABSENCE OF EMPLOYEES FOR THE PART OF THE DAY.—Whenever employees go on agitation, of any form during office hours, they will have to be treated as having committed breach of contract of service and the principle of "NO WORK NO PAY" should uniformly apply subject to the decision of the Court if any. Even where an employee is in breach of his contract for part of the day, he will not earn wages for the full day. In such instances, no further work is expected of the employees concerned for the rest of the day. A notice to this effect

may be displayed on the Notice Board as per specimen appended. This however is without prejudice to the recent decisions given by various High Courts, the legal implications of which are being examined. The Manager/Officer concerned should not permit or entrust any work to such an employee for the rest of the day after the temporary cessation of work. If the Manager/Officer permits the employee to do work after the temporary cessation of work, no deduction of wages can be made for that day under the principle "NO WORK NO PAY".

8. So, it is argued by the respondents counsel, even if the concerned employees resumed their work after 1.20 p.m. and completed their work, as they are not permitted by the Manager or Officer to resume their work, the concerned employees voluntarily attended to their work on that day. The Officer cannot prevent them physically from attending the work. The case of the respondent is the Deputy General Manager specifically told the concerned employees that they are not entitled to the wages for the day and they need not to work for the rest of the day. To that effect a notice was put up viz., Ex. M-5. The Manager or Officer did not permit the concerned employees to work after the temporary cessation of work. Therefore, as per Clause (E) of the circular Ex. M-4, the concerned employees are not entitled to the wages for the day dated 5-5-89.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 10th day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides :

None.

DOCUMENTS MARKED

For Workmen :

Ex. W-1/5-5-89—Notice issued by the Management Bank (Xerox copy).

Ex. W-2/6-5-89—Letter from Union to the Bank (Xerox copy).

Ex. W-3/8-5-89—Telex Message of the Management-Bank to the General Manager Head Office, IRD, Manipal (Xerox copy).

Ex. W-4/10-9-92—Circular issued by the Bank with a caption "The Principle of 'No Work No Pay'—Deductions" (Xerox copy).

Ex. W-5/19-5-93—Circular informing rights of recognised union under the Code of Discipline and redressal of individual grievances (Xerox copy).

For Management :

Ex. M-1/30-1-81—Circular informing the rights of recognised unions under the Code of Discipline (Xerox copy).

Ex. M-2/10-5-82—Circular issued by the Bank regarding adherence to the Rules 8 of the Discipline by the Bank employees (Xerox copy).

Ex. M-3/17-9-84—Memorandum of Settlement u/s. 18(1) of the I. D. Act, 1947 entered into between the Management of Indian Banks' Association and their workmen rep. by the All India Bank Employees' Association and National confederation of Bank Employees (Xerox copy).

Ex. M-4/25-10-88—Circular issued by the Bank regarding absence from duty in connection with Strike/agitation etc. (Xerox copy).

Ex. M-5/5-5-89—Same as Ex. W-1 (Xerox copy).

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 37.—श्रीयोगिक : विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-2, धनबाद के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/247/93/आई. आर. (बी.-II)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 37.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 12-12-95.

[No. L-12012/247/93-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 17 of 1994

PARTIES :

Employers in relation to the management of UCO Bank, Patna and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. Prasad, State Secretary, UCO Bank Employees Association.

On behalf of the employers—Shri S. C. Sarkar, Dy. Chief Law Officer.

STATE : Bihar

INDUSTRY : Banking

Dhanbad, the 5th December, 1995

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/247/93 dated, the 7th March, 1994.

SCHEDULE

"Whether the action of the management of UCO Bank, Patna in terminating the services of Shri Ravindra Kumar Yadav, Peon with effect from 17-1-1992 is justified? If not, what relief, is the said workman entitled to?"

2. Pursuant to the reference made by the Ministry details of which are given above workmen filed his W.S.

3. The concerned workman Shri Ravindra Kumar Yadav stated inter alia in his W.S. that this workman joined in UCO Bank (hereinafter referred to as management) at Bariaipur branch within district Monghyr, (Bihar) as temporary Peon on 18-3-89 on daily wages @ Rs. 10 and then Rs. 15 and the payment was made generally on weekly basis for full days work and he has to perform work from

10.00 A.M. to 6 P.M. This workman continued in service at the said place till his service was dispensed with from 17-1-92. Thereby he completed his work in the said branch of the management for about 34 months and obviously it led to his completion of 240 days in 12 consecutive months.

4. In his W.S. he has stated further he has to perform duties of carrying token, scroll book from accounts department to Cash department, registers, ledgers from almirah and to place at different places, to stitch vouchers, to post mail and also to serve waters to the members of the staff and to the customers as and when required. However, inspite of his continuous service for such long term he was terminated on 17-1-92 without assigning any reason nor paying any notice or notice pay for such termination and thereafter fresh hands were recruited by the management but this workman was not considered and thereby he has been refused to be reinstated in the job and that led this sponsoring union to raise an industrial dispute before the ALC (C), Patna who failed to make conciliation for uncompromising attitude of the Bank Management and thereafter this reference arose.

5. It is further submitted by the workman that the action of the management is in violation of Article 14 and 16 of the Indian Constitution and they adopted unfair labour practice which is against law and he was illegally retrenched without his regularisation as Class IV employees in subordinate cadre and he prays for his reinstatement in the said Bank and regularising him in his service with the minimum scale along with other reliefs entitled to.

6. In the W.S.-cum-rejoinder the management had stated that the said concerned workman was never appointed as Peon in any subordinate post of the Bank but it is admitted that he was engaged on 18-3-89 for the purpose of supplying water to the members of the staff and customers of the branch on casual basis at daily rated wages. Further statement made in the W.S. is that there was no competent authority in the said branch to appoint any person nor he was vested with any such power. Therefore, his engagement as well as continuance in service was illegal, invalid and without jurisdiction. It is stated further that in a settlement of All India UCO Bank Employees Federation, United Commercial Bank Employees Association, and all India United Commercial Bank Staff Federation with the management that there was a settlement on 12-10-89 and as per terms of the said settlement also this workman is not entitled to get the job as he was not the casual worker who completed work for a period of 240 days without interruption during the period of three years immediately preceding settlement. It is stated further that as per settlement a panel was prepared and recruitment was made inspite of the fact that there was surplus of the staff strength but this workman is not entitled as he did not complete 240 days work before the date of settlement as per terms of the settlement. His non-engagement subsequently cannot be considered to be retrenchment nor it comes within the ambit of Section 25-F of the I. D. Act thereby he is not entitled to get any relief as prayed for.

7. In the rejoinder to the W.S. filed by the workmen Management has denied main facts though it is admitted that the concerned workman was engaged on 18-3-1989 by the local management and he was removed on 17-1-92 as contended in his W.S. But it is denied that he used to carry ledgers, accounts books and other registers as stated in the W.S. However, it is admitted that his work was only as a Water Boy for supply of water to the customers and the staff. Therefore in view of such agreement/settlement entered between the management and the union on All India basis his claim is unjustified and against the provision of all laws and that cannot be tenable in any manner.

8. In the rejoinder the workmen stated that after his dismissal though he used to work as Peon many Peons were appointed from the casual workers and the management is adamant not to even comply with the order of the Tribunal for the recruitment of the said workman as ordered by the Tribunal and it is denied that the local authority has no power to appoint a workman in the manner as he was appointed and according to him he was a full time worker and thereby he is entitled to get regularisation as Peon in the subordinate cadre of the management.

9. In support of the respective cases both the parties adduced their oral and documentary evidence.

10. In the context of the said oral and documentary evidence I am to consider whether the concerned workman was a casual worker working as Peon or he was a water boy only and after determination I am to see whether he is entitled to get the order of regularisation or reinstatement in terms of the settlement entered into between the management and the Union as referred to earlier.

11. At the very outset I discuss the oral evidence of both the parties in order to get a light in support of the respective cases.

12. MW-1, Shri B. Pandey was an officer who was posted at Bariarpur Branch at the relevant time and presently he is posted at A.P.C. Road Branch, Calcutta. In Bariarpur branch he was posted in between 21st April, 1989 to 16th November, 1990. He is in know of the concerned workman and identified him in course of his evidence. He had stated that the said concerned workman was a Water Boy of Bariarpur branch so long he worked there. According to him he used to attend the Bank from 10.00 A.M. and leave the bank at about 12.30 Noon for the purpose of tiffin and again he used to resume his duties at 2.30 P.M. and he used to stay in the Bank till closure of the same. He has deposed further that initially the area of the Bank was small and now the area of the same is 650 Sq. feet. However, he has denied that this workman has ever worked as Peon and the permanent staff including himself used to sign the attendance register as and when they used to attend the officer. He has admitted that he possesses the power of attorney which was suggested by the workman. He has proved the document marked Sxt. M1 wherefrom it would appear from which day work was done and payment was made. Also he admits the entries made in Ext. W-2. At the bottom of his cross-examination he has stated that though the concerned workman was Water Boy it cannot be said whether he used to perform other duties besides the job as Water Boy.

13. The concerned workman examined as WW-1 and deposed that he was appointed on 18-3-89 on daily wage basis and he had to work from 10.00 A.M. to 6 P.M. and on payment of Rs. 10 per day and then Rs. 15 per day. According to him he had to perform the duty of carrying scroll accounts books, account book, mail work, carrying ledgers and supplying water to different staff and customers stitching of currency notes etc. He had deposed further that he used to get wages at the weekend and his payment was made through vouchers and he was removed from service with effect from 17-1-92 after completion of service about 34 months. It is an admitted position that a dispute was raised before the ALC (C) and according to him he used to work throughout the day as per office hours of the Bank. He had deposed that in the said branch there was a post of Peon as One Yadav has been promoted to the clerical post from the post of Peon. His application for absorption before the Manager has been marked as W-3. He had denied that he himself relinquished the job in the year 1991 but he claims that he worked till 16-1-92.

14. One fact is admitted from the oral evidence of WW-1 that the concerned workman used to work during whole working hours of the Bank which has not been admitted in the W.S. filed on behalf of the Bank management. It is also admitted that he started working on 18-3-89 and his work was terminated on 17-1-92.

15. Now the moot question is whether he was appointed as Water Boy or he used to perform duties of Peon.

16. In this context my attention was drawn to the letter written by the Zonal Manager addressed to the ALC (C) dated 26-7-93 the photo copy of which is filed and is on record. From the said letter it appears that this workman used to work in the said Bank and he was removed on 16-1-92 though he started working on 18-3-89 and the main contention of the said letter is that as per settlement as the total number of days worked by Shri Yadav, the concerned workman is 192 days in the year 1989 so he could not be absorbed but it is in the letter itself that the concerned workman worked 192 days in the year 1989, 194 days in the year 1990, 247 days in the year 1991 and 14 days in the year 1992 subject to service breaks within this time and it is stated in the said letter that as a matter of policy to regularise the services of a casual worker he has to complete 240 days during the period from 12-10-86 to 12-10-89 as casual worker. In this letter it is stated that as he could not complete 240 days before 1989 he could not be absorbed in whichever capacity he worked.

17. So irrespective of any other papers filed, I find that while he was removed from the job he submitted an application marked Ext. W-3 where he prayed for his absorption before the Manager as he worked for so many days till his date of removal.

18. I have carefully perused Ext. W-1 from where it reveals that an agreement stated to have been entered between the different association or unions and the management and undoubtedly in the said agreement there is clear averment that a person is to be regularised if he completes 240 days in between 1986 and 1989 but no Water Boy should be regularised if any claim comes from him.

19. Already I have referred to that there is oath versus oath and there is no iota of evidence supported by any document which is obviously in the custody of the management that any Peon or other subordinate staff used to work for carrying the ledgers, accounts books, mail works except this concerned workman at the relevant time and in that case I do not find any reason to disbelieve the workman who admittedly supported by the version of MW-1 that the concerned workman used to stay in the Bank throughout the office hours of the Bank.

20. Considering the said fact I accept the version of the concerned workman that he used to perform the works as that of carrying ledgers, accounts books, scroll books, stitching of currency notes, carrying of Daks except the work of Water Boy.

21. We should not forget that in many cases it has appeared that it is the policy of the management that a person is employed @ Rs. 10 or 15 per day and he is subject to perform various duties of Peon though his designation is given otherwise. This is nothing but mal-practices and it is a devise of obtaining services from a person without making proper payment in denial of the Constitutional rights which ever a citizen is entitled to.

22. Therefore, in view of the evidence of MW-1 and admission from the side of the management that this concerned workman also 647 days in the said Bank he deserved to be regularised if the post is available. If this Tribunal shut his eyes in this type of cases it may be denial of right of citizen which will become an encroachment the right of workman by the management by taking services from a poor person in this tactful manner.

23. Accordingly I am of the opinion that this workman is entitled to get his reinstatement being regularised as a Peon as claimed. It is in the evidence that there is vacant post at the branch where this incumbent was and an affidavit was sworn in by the workman showing the vacancies at different places and counter affidavits have been sworn in showing that there is surplus staff strength. It has been admitted by the management that already surplus staff was absorbed in view of the terms of the settlement.

24. Though this workman does not come within the ambit of the terms of the settlement but the trend of the terms of settlement goes to show that a person who has acquired 240 days of service in the consecutive 3 years he deserves to be regularised if the work is of permanent nature. No doubt work done by the workman concerned are of permanent nature in view of the finding above.

25. Accordingly the reference is disposed off in the following terms :

"The action of the management of UCO Bank, Patna in terminating the services of Shri Ravindra Kumar Yadav, Peon with effect from 17-1-1992 is not justified. Consequently he is entitled to be regularised and posted in the available post as Peon in subordinate cadre under the management of UCO Bank forthwith. If the post remains vacant and available in any branch of the said management and if not he should be kept in the panel so that he be absorbed as and when first vacancy would be available and if the terms of the Award be not complied with the concerned workman will be at liberty for enforcement of such award in accordance with law."

26. In the present circumstances the management is also directed to reinstate the concerned workman in terms and conditions as he was at his former branch till he be regularised and posted as a Peon in the subordinate cadre as per terms of the Award but no back wages for the idle period is awarded to the concerned workman. This award will take effect within one month from the date of publication this Award. This reference is disposed off accordingly.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 38.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मसैस बन स्टैंडर्ड कं. सलेम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचसट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एल-29012/37/91-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 38.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Burn Standard Company, Salem and their workmen, which was received by the Central Government on the 11-12-95.

[No. L-29012/37/91-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 9th day of November, 1995

PRESENT :

Thiru N. Sabramaniam, B.A.B.L., Industrial Tribunal

Industrial Dispute No. 6 of 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Burn Standard Company, Salem).

BETWEEN

The Workman represented by :
The General Secretary,
Salem District Magnesite Labour Union,
237, Tharamangalam Road,
Old Sriramangalam, Salem-636 005.

AND

The General Manager,
M/s. Burn Standard Company,
Salem-636 005.

REFERENCE :

Order No. L-29012/37/91-IR (Misc.), dated 21-1-92,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 1st day of November, 1995 upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiru S. Vaidyanathan, for Tvl. Row & Reddy, Advocates appearing for the Workmen and of Tvl. T. S. Gopalan, P. Ibrahim

Kalifulla and S. Ravindran, Advocates appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

The Government of India by its Letter No. L-29012/37/91-JR (Misc.), dated 21-1-92, referred for adjudication before this Tribunal u/s. 10(1)(d) of the Industrial Disputes Act, regarding the dispute :—

“Whether the Management of Burn Standard Company, Salem is justified in dismissing the services of Shri S. Kandasamy, S/o. Sadaiyan, PF. No. 3789, with effect from 23-2-89 ? If not, to what relief the workman is entitled to ?”

2. After services of notices, both the petitioner and the respondent filed their claim statement and counter statement.

3. The case of the Petitioner-Union is as follows.—The petitioner has 450 workers as its members. The Union has representative capacity. The worker Kandasamy joined the services of the respondent in 1969 as an unskilled worker. Certain charges were alleged to have been framed against him. The alleged charge sheet dated 11-1-85 was not served on the worker. While he was returning home around 8.00 p.m. certain unidentified persons physically assaulted him. He was therefore taking medical treatment. When he was taking treatment, he learnt that he had been suspended. Suddenly to his shock, on 2-2-89, he was served with a letter stating that it was proposed to dismiss him from service. Immediately on 22-2-89 he sent a reply. Unfortunately the Management by an order dated 23-2-85 dismissed him from service. The appeal preferred by him to the Director of Engineering was also dismissed. The petitioner-Union moved the Conciliation Officer for his intervention which ultimately ended in failure. The worker Kandasamy has not committed any misconduct as alleged in the charge sheet. If it is true, the Management would have served suspension order on the same day itself. The worker is an active member of the Petitioner-union. The Management has victimised him by framing false charges. The allegation that the worker refused to receive the charge sheet and the enquiry notice is totally false. Enquiry Officer did not even ensure whether the enquiry notice was served on the worker or not. The enquiry was rushed through and finished exparte in one day itself. The Enquiry has been held in violation of the principles of natural justice. None of the exhibits were marked through any witness. Copy of the Certified Standing Orders was not sent to the worker. The Enquiry Officer without even caring to fix another date for enquiry has hurriedly completed the enquiry in one day. The respondent got the second show cause notice which the worker has received. The Deputy General Manager dismissed the worker from service on 23-2-89. He was not paid any subsistence allowance during the alleged enquiry proceedings. The past record relied on by the Management was not shown to him to enable him to rebut the same. He is without employment from the date of dismissal. He has a large family consisting of his wife and 5 children to maintain. Even assuming without admitting that the worker has committed the misconduct, it does not warrant dismissal from service. He has long and unblemished record of service.

The punishment of dismissal is too harsh. For the reasons stated above, this Tribunal may be pleased to hold the dismissal of Kandasamy as not justified and direct the Management to reinstate him with effect from that date with continuity of service and back wages.

3. The respondent filed his counter contending that to the knowledge of the respondent a substantial section of the workmen has not espoused the cause of the worker Kandasamy. The Union is put to strict proof of its authority and competence to raise the dispute. The respondent Company is a Government of India undertaking. It employs about 1200 workmen in the mines and employs about 650 workmen in the factory. It has got certified Standing Orders. The workmen was employed as a bench worker in the Mines. The Administrative Office of the respondent is located at a distance of 8 kms. from the Mines. On 11-1-89, the concerned workman without attending his duty came to the Main gate of the Administrative Office at 2.00 p.m. in a drunken mood. He told the Security Guard of the Gate that he wanted to see the Labour Officer. At that time, the Manager Sri Seshadri Iyengar happened to pass through the Gate. The concerned workman approached the Manager and asked for advance amount. The Manager told him that he should go to the work spot and take it. The workmen abused him. Then the Security Guard took him away from the spot. Little later, the Manager came in a jeep carrying cash for disbursing the Pongal advance, to workmen in the Mines. On seeing the jeep, the concerned workman lied down in front of the jeep and asked them to drive the jeep over him. The Security Guard R. Ranganathan who was in the jeep and another Security Guard removed him from the scene. On 11-1-89, a Chargesheet was issued to the concerned workman for the alleged misconduct. The letter was sent to the address available in the Company records. The letter was returned with an endorsement “refused”. On 23-1-89, a notice was issued directing him to appear for enquiry on 1-2-89. It was also returned with an endorsement “refused”. On 1-2-89, the concerned workman did not appear for enquiry. So, the Enquiry Officer conducted the exparte enquiry. He examined 5 witnesses on the side of the Management. On the findings of the Enquiry Officer, a Second show cause notice was issued on 2-2-89. The concerned workman gave his representation on 22-2-89. After considering his representation, orders were passed on 23-2-89 dismissing him from service. The concerned workman joined the service on 12-6-89. During the period 1974 to 1988 several memos were issued to him for various misconducts. The termination of the workman is perfectly valid and justified. After the incident on the afternoon of 11-1-89, the workman left the place and therefore he was not available for service of the charge sheet. Hence it was sent by Registered post. Since the concerned workman had refused to receive the enquiry notice, it cannot be said that he was denied of opportunity. When the concerned workman had refused to receive the notice, the Enquiry Officer was justified in proceeding on the footing that there was adequate notice and holding enquiry in the absence of the concerned workman. The conduct of the concerned workman on 11-1-89 was highly reprehensible. The punishment dismissal cannot be said to be excessive. Hence the claim of the petitioner may be dismissed with cost.

4. By consent Exs. M-1 to M-11 marked.

5. The Point for consideration is : Whether the Management of Burn Standard Company, Salem is justified in dismissing the services of Shri S. Kandasamy, S/o Sadaiyappan, PF. No. 3789 with effect from 23-2-1989 ? If not to what relief the workman is entitled to ?”

6. The Point : The workman Kandasamy joined the services of the respondent in 1969. He was employed as a worker in the Mines. On the date of occurrence i.e. 11-1-89, he without attending his duty came to the Administrative Office which is at a distance of 8 kms. from the Mines and told the Gate Security Guard that he wanted to see the Labour Officer. At that time, one Seshadri, the Manager (Training) came there. The workman immediately approached him and asked for advance. He asked the concerned workman to go to his work spot and the advance will be paid there. This occurrence took place at about 2.00 p.m. Shortly the Manager went to the Mines spot to disburse the Pongal advance to the workers. There, the concerned workman on seeing the jeep lied down on the ground and asked them to drive the jeep over him. He was removed from the spot by the Security Guards. It is alleged that at the Administrative Office when he met the Manager he abused him. So, the charge sheet was issued for the alleged misconduct. Ex. M-5 is the charge sheet. It was sent by registered post. It was returned as refused according to the Management. Subsequently, an enquiry was conducted. The Enquiry notice Ex. M-6 was also returned as 'refused'. Therefore, the enquiry was proceeded ex parte, Ex. M-9 is the findings of the Enquiry Officer. Thereafter the Management issued a Second show cause notice Ex. M-1 regarding the proposed punishment. Ex. M-2 is the reply. Finally he was dismissed from service under Ex. M-3. Even though it is raised in the claim statement he was not served with the charge memo and the Enquiry notice, the Learned counsel for the petitioner did not argue on that issue and also did not dispute or question that the domestic enquiry was not conducted in a fair and proper manner giving a reasonable opportunity to the worker. He mainly argued on the question of punishment imposed on the worker. He requested the Tribunal to interfere with the punishment u/s. 11-A of the Act. He submitted that the petitioner worker had been in service from 1969 till he was removed. He is on the verge of retirement. Throughout his long period of service, he was not punished for any misconduct committed by him. Even though it is alleged that number of memos were given to him, it is not contended by the Management that he was punished on any occasion. Even though the alleged misconduct is proved against the petitioner, the punishment of dismissal is too severe at the fag end of his retirement. So, the petitioner's counsel pleaded to set aside the order of the dismissal and impose any other punishment and to reinstate him again in service. The respondent's counsel also did not seriously object to the request of the petitioner's counsel considering the age of the concerned workman. It is argued by the Petitioner's counsel that loss of pay from the date of dismissal till he is reinstated is a sufficient punishment for the alleged misconduct committed by the worker. So, he pleaded for the reinstatement of the worker in service without backwages. Considering the age of the worker and his long period of service, he has put in with the respondent, the request of the petitioner's counsel can be accepted. Losing of pay from the date of dismissal till he is reinstated will amount to sufficient punishment for the alleged misconduct.

In the result, an award is passed setting aside the order of dismissal of the respondent dated 23-2-89 and the respondent is directed to reinstate him in service with continuity of service but without backwages. No costs.

Dated, this the 9th day of November, 1995.

THIRU N. SUBRAMANIAM, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None.

DOCUMENTS MARKED

For Workman : Nil.

For Management :

- Ex. M-1/2-2-89 : Letter from Management to Thiru S. Kandasamy proposing to dismissing him from service (Xerox copy).
- Ex. M-2/22-2-89 : Reply by Thiru S. Kandasamy to Ex. M-1 (Xerox copy).
- Ex. M-3/23-2-89 : Dismissal Order (Xerox copy).
- Ex. M-4/11-1-89 : Complaint by Thiru Chinappan, Security Officer (Xerox copy).
- Ex. M-5/11-1-89 : Charge sheet issued to Thiru S. Kandasamy (Xerox copy).
- Ex. M-6/23-1-89 : Enquiry Notice (Xerox copy).
- Ex. M-7/23-1-89 : Enquiry Notice (Xerox copy).
- Ex. M-8/12-2-89 : Proceedings of the Enquiry Officer (copy).
- Ex. M-9/1-2-89 : Findings of the Enquiry Officer (copy).
- Ex. M-10 : Standing Orders for Mines.
- Ex. M-11 : Standing Orders for Factory.

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 39.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार सेंट्रल कैटल ब्रीडिंग फार्म के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-95 को प्राप्त हुआ था।

[संख्या एल-42011/4/85—डी-II (बी)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 39.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Central Cattle Breeding Farm and their workmen, which was received by the Central Government on 12-12-1995.

[No. L-42011/4/85-D.II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

Annexure-I : Final List of Persons Non-employed from 25th

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Tuesday, the 7th day of November, 1995

Present :

THIRU N. SUBRAMANIAN, B.A.B.L., Industrial
Tribunal.

INDUSTRIAL DISPUTE NO. 6 OF 1986

(In the matter of the dispute for adjudication under
Section 10(1)(d) of the Industrial Disputes Act, 1947
between the Workmen and the Management of Cen-
tral Cattle Breeding Farm, Alamadhi, Madras-52).

BETWEEN

The Workmen represented by

The President,
Agriculture and Irrigation Workers
Union, Alamadhi, Avadi,
Madras-52.

AND

The Director,
Central Cattle Breeding Farm,
Alamadhi, Avadi,
Madras-52.

REFERENCE :

Order No. L-42011(4)/85-D.II(B), dated 8-1-86, Minis-
try of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Monday, the
16th day of October, 1995, upon perusing the reference,
Claim and Counter Statements and all other material papers
on record and upon hearing the arguments of Thiru K.
Chandru, Advocate appearing for the Workmen, and of Thiru
S. Seshadri, Central Government Pleader appearing for the
Management and this dispute having stood over till this day
for consideration, this Tribunal made the following.

AWARD

The Government of India, by its Letter No. L-42011(4)/
85-D.II (B), dated 8-1-1986, referred for adjudication before
this Tribunal u/s. 10(1)(d) of the Industrial Disputes Act,
1947 regarding the dispute :

"Whether the action of the Management of the Central
Cattle Breeding Farm, Alamadhi, Avadi, Madras-52.

- (a) in terminating the services of 109 workers as shown
in Annexure-I is legal and justified ? If not to what
relief are the workmen concerned entitled to ?
- (b) in denying backwages for the idle period to the
80 workmen as shown in Annexure-II, subsequent
to their re-instatement is justified ? If not to what
relief the concerned workmen are entitled to ?"

1. S. Chidambaram.
2. C. Ramadoss.
3. F. Ekambaram.
4. R. Padmanabhan.
5. S. Dilli.
6. S. Devadoss.
7. P. Thirunavukkarasu.
8. R. Mahaling.
9. A. R. Sankar.
10. C. Mani.
11. M. Sakkarabani.
12. M. Vinayagam.
13. S. Gajendran.
14. S. Pakkirisamy.
15. C. Santhanam.
16. Thulasi.
17. G. Neelakantan.
18. G. Mani.
19. V. Nageshushanam.
20. A. Damodharan.
21. M. Sundaram.
22. K. Jagadeesan.
23. Soundararajan.
24. V. Srinivasan.
25. D. Dayalan.
26. G. Srinivasan.
27. S. Jaisankar.
28. S. Perumal.
29. C. Rathinam.
30. S. Rathinam.
31. P. Panchatcharam.
32. M. Radha.
33. M. Muthu.
34. M. Mani.
35. G. Nagan.
36. M. Kattaiyan.
37. G. Kattaiyan.
38. A. Arumugam.
39. Kollapuri.
40. M. Raghupathy.
41. E. Chinnappan.
42. K. Arumugam.
43. S. Sundaram.
44. C. Sabban.
45. C. Ponnurangam.
46. C. Dhapapal.
47. M. Ponnurangam.
48. G. Selvaraji.

49. A. Balakrishnan.
50. C. Raji.
51. S. Ravi.
52. Kuppammal.
53. L. Baskaran.
54. A. Devaraji.
55. I. Selvam.
56. C. Masilamani.
57. S. Muthu.
58. C. Selvaraji.
59. A. P. Elumalai.
60. Senchivi.
61. Krishnareddy.
62. A. Krishnan.
63. G. K. Mumisany.
64. S. Rajendran.
65. K. Munusamy.
66. Samaiah.
67. M. Sampath.
68. C. Jaganathan.
69. M. Nagaraji.
70. V. Jagadeesan.
71. D. Paranthaman.
72. R. Ramamurthy.
73. R. Sankaran.
74. G. S. Krishnan.
75. B. Subramani.
76. Murthy.
77. V. Sekar.
78. K. Manokaran.
79. S. Ethiraj.
80. M. Raji.
81. P. Palani.
82. Ruban.
83. Lasar.
84. A. Durairaji.
85. Chinnasamy.
86. A. Duraisamynaidu.
87. A. Durai.
88. N. Elumalai.
89. G. Jeyavelu.
90. Shanmugam.
91. M. Dachinamurthy.
92. S. Subramani.
93. D. Sivakumar.
94. Balasubramaniam.
95. K. Selvam.
96. E. Kattaivan.
97. J. Ganesan.
98. S. Mari.
99. K. Govindan.
100. Amarasekaran.
101. R. Balakumar.
102. Rajam.
103. Thayar.
104. Pappamal.
105. Vasugi.
106. Nirmala.
107. Alamehu.
108. Poosammil.
109. M. Jayaraman.

5. G. Panchatcharam.
6. S. Sekar.
7. S. Kumar.
8. M. N. Poosari.
9. A. S. Krishnamoorthy.
10. E. Seeman.
11. K. R. Kasi.
12. Rangarajan.
13. S. Thirunavukkarasu.
14. M. Govindasamy.
15. S. Krishnamurthy.
16. S. Arumugam.
17. Boihan.
18. K. S. Elumalai.
19. Echiappan.
20. Arul.
21. Pandrinathan.
22. Muthuraju.
23. Munusamy.
24. P. Arumugam.
25. Chinnappan.
26. P. Subramani.
27. N. Sivalingam.
28. E. Dasarathan.
29. Jayaraman.
30. P. Kothandan.
31. K. Surendran.
32. E. Murthy.
33. K. Viswanathan.
34. Rajendran.
35. A. Dasarathan.
36. Pachaiappan.
37. R. Balaraman.
38. Kesavan.
39. R. Sundararajan.
40. D. Baskaran.
41. Vasu.
42. Rajagopal.
43. G. Santhanam.
44. Doss.
45. Ponnusamy.
46. Chinnasamy.
47. K. Neelakandan.
48. Dhanachezhian.
49. K. Muthialu.
50. C. Mari.
51. Radhakrishnan.
52. D. Rajamani.
53. Arunachalam.
54. Gnanasundaram.
55. Lakshmiammal.
56. Amirthammal.
57. Renuka.
58. Kanniammal.
59. Manimekalai.
60. Pattu.
61. Kamala.
62. Ellammal.
63. Saroja.
64. Kannammal.
65. M. Rani.
66. Yasotha.
67. Nagammal.
68. Bangaru.
69. Amirthammal.
70. Poijiammal.
71. Lakshmi.
72. Rani.
73. Muniammal.

Annexure : II : Final List of Persons who had been non-employed from 25th December, 1981 and absorbed later.

1. R. Sekar.
2. R. Jagadeesan.
3. R. Nagabhushanam.
4. A. R. Balaraman.

74. Ponnammal.
75. Kasthuri.
76. Sarasammal.
77. Janaki.
78. Muniammal.
79. P. Baiaraman.
80. C. Bakinakumar.

After services of notices, claim statement and Counter statement are filed.

2. The case of the petitioner-union is as follows.—The Petitioner-Union commands the following of substantial section of the workmen by the respondent-farm. The petitioner-union raised a dispute with reference to large number of workmen whose services were not regularised who have been kept as casual worker by the respondent. The dispute was referred by the Government for adjudication before this Tribunal, in I.D. 58/82. Many workmen have been employed from the year 1973. The respondent for the reasons best known to them did not choose to contest the dispute inspite of proper notices having been issued by this Tribunal. Therefore this Tribunal on the basis of oral and documentary evidence passed an award on 21st January, 1983 and directed the regularisation of 200 workmen so far as the respondent is concerned. Since the respondent did not implement the award, Writ petition 7667/1983 was filed in the High Court. Even while these proceedings were pending before the Conciliation Officer, the respondent started terminating the services of all the workmen without assigning any reason. Even after the award has been passed they did not reinstate these workmen. Therefore, the Union was forced to raise a dispute by their letter dated 15th September, 1984. Conciliation proceedings were once again initiated before the Central Government Labour Department. Respondent submitted their remarks on 26th November, 1984. As the Conciliation Officer could not bring about any mediation, he sent their failure report. Even when the Petitioner-Union moved the Central Government for enforcement of the award, in I.D. 58/82, the pendency of the present reference was given as an answer. Even when the Conciliation Officer requested for details the respondent did not chose to produce the relevant records. They refused to appear before the Conciliation Officer. Even when the Conciliation Officer made an inspection visit, he was physically prevented from entering the farm. The termination of 109 workmen is wholly unjustified. Even the elementary form of legal procedure was not followed in terminating their services. They were given no order in writing with reference to their termination. The workmen had put in minimum of 240 days service in a period of one calendar year. The mandatory conditions prescribed u/s. 25-F of the I.D. Act was not followed. In respect of workmen who were stopped from work from 25th December, 1981 and who were subsequently taken back are entitled for full wages for the period of interregnum. The respondent has no power to lay off the workmen as there is no such term of contract in existence. Hence the Tribunal may be pleased to pass an award holding the termination of 109 workmen as illegal and consequently direct to reinstate them with full back wages and also direct the respondent to pay the backwages for the period from 29th December, 1981 till the date of absorption of all the 80 workmen.

3. Respondent filed his counter contending that the Central Cattle Breeding Farm, at Alamadhi was set up by Government of India, Ministry of Agriculture, on 1st April, 1973 as an Applied Research Project to be run on Scientific lines. Farm had to run a progeny testing programme for selection of Murrah Buffalo bulls for systematic improvement of milk production, the farm work is divided into two sections viz., to look after the livestock (about 700 heads of cattle) and agricultural production of fodder for the animals. Some worker in the farm are continuous in nature while others are casual and seasonal. From time to time, Government has been sanctioning regular posts as per recommendation of the Work Study Scheme. The Ministry is the Head of the Department and Director is the Head of the Office. The Ministry vested with powers for creation of posts. Extra labourers were engaged temporarily for land development programme in 1978-79. Dispute arose in August 1981 regarding the question of rates of wages and alleged removal of some of the workers. On 25th December, 1981 the workmen went on a sudden strike without giving any notice to the Management. As the farm was dealing with precious livestock,

efforts were made to persuade the workmen to return to work. As there was no success, work was carried out with the regular staff. Efforts were continued through the Police and Village Leaders on 20th December, 1981. Only 30 or 40 workers joined on 26th December, 1981. On 28th December, 1981 the Director put up a notice calling upon the willing workers to express their willingness to join duty on or before 31st December, 1981. In response to the said notice, 25 to 30 workers joined the duty. As some of the workers failed to join duty by 31st December, 1981 to relieve the suffering of the animals and starvation and had hygienic conditions the management had no other alternative but to recruit new workers. Some of workers joined duty even after 31st December, 1981. None of them were refused work. As the remaining workers did not come back and continued to stay away, no action was taken and the respondent did not issue termination orders to any of them. The workers are being engaged to their full capacity in the farm. The respondent is not in a position to take more workers for which the petitioner had made a demand. The petitioner had taken the matter in I.D. 58/82. As the Writ petition has not yet been finally disposed of, the respondent is not in a position to take any action in the matter. The workmen had left the employment voluntarily without any communication to the respondent. The Annexure I of the claim statement has not been furnished by the Petitioner to the respondent. In the absence of full particulars about the workmen concerned the respondent is not in a position to verify the period of service. The respondent is not liable to reinstate the said workmen as there is no scope for employment. The respondent is not liable to pay backwages to any reinstated workmen from 29th December, 1981 till the absorption of the 80 workmen mentioned in Annexure II. Hence the claim of the petitioner may be dismissed.

4. Exs. W-1 to W-20 and M-1 to M-7/Series were marked.

5. The Point for consideration is : Whether the action of the Management of the Central Cattle Breeding Farm, Alamadhi, Avadi, Madras-52 :

- (a) in terminating the services of 109 workers as shown in Annexure-I is legal and justified? If not, to what relief are the workmen concerned entitled to?
- (b) in denying back wages for the idle period to the 80 workmen as shown in Annexure-II, subsequent to their re-instatement is justified? If not to what relief the concerned workmen are entitled to?

6. The Point : The Petitioner-Union raised two claims in respect of workers. The first claim is the declaration that the termination of service of 109 workers as illegal and unjustified. The workers are employed in the Farm on daily wage basis even from the year 1978-79. The Petitioner-Union has raised a dispute to regularise 200 workmen who had worked for more than 240 days in a year. The reference was referred for adjudication in I.D. 58/82 by this Tribunal. Since the respondent remained ex-parte, an ex-parte award was passed directing the respondent to reinstate the 200 workmen. Ex. M.3 is the copy of the award. Since the respondent did not implement the award, the Petitioner-Union filed a Writ Petition No. 7667/83 Ex. M.4. The High Court of Madras was pleased to order to implement the award passed in I.D. 58/82. When the proceedings were pending before the High Court, the respondent started to terminate the services of the workmen. On 25-12-81, the respondent terminated the services of the workmen without any notice or following any procedure. The workers requested the Management by their letter to take them back to work under Exs. W-2, W-3, W-4, W-5, W-6, W-7 and W-8 from 25-12-81 to 31-12-81. In spite of the request made by the workers, the respondent refused to take them for work. On the other hand, the respondent put up a notice on 28-12-81 under Ex. W-14. Under that notice, the respondent informed the workers (those who voluntarily and unconditionally affirm in writing on or before 31-12-81 to bear allegiance to the farm and carry out any work allotted to them loyally, sincerely, and obediently as disciplined workers will be taken back to the muster roll. Such persons may meet the undersigned individually and give the application in writing. Otherwise, they will not be taken back for work. Ex. W-1 is the circular issued by the Management stating about 30 persons were taken back for work on their undertaking suo motto given. It is the case of the respondent some of the workers joined duty after Ex. W14

till 31-12-81. The rest of the workers remained absent voluntarily. It is the case of the respondent that the workers suddenly went on a strike on 25-12-81 without giving any notice and thereby caused inconvenience to the Farm. So, the reason for termination or not giving work to the workers according to the Management is the strike by the workers on 25-12-81 and they remained voluntarily absent without joining duty even after the notice Ex. W-14, their services were terminated. Admittedly there is no record to show that the workers went on a strike on 25-12-81. On the other hand it is contended by the Petitioner's Union, the workers were prevented by the Management from entering into the farm on 25-12-81 in order to prevent them from taking part in the Conciliation proceedings. Even taking for argument sake, workers went on strike suddenly on 25-12-81 and it is an illegal strike, the Management has not taken any action under the Central Government Standing Orders where provisions are made for taking disciplinary action for illegal strike. It is admitted by MW1, these workers are covered by the Central Model Standing Orders. There is provision in the Model Standing Order to initiate disciplinary proceedings for the misconduct. Further regarding the reason that the workers remained voluntarily absent without coming to the work is also not correct. The workers submitted their written representation to the Management from 25-12-81 to 31-12-81 expressing their willingness to come to work, but the Management refused to take them for work. It is not denied by the MW1 that they have received the representations made by the workers. The notice put up by the Management under Ex. W-14 is against the principles of natural justice. It is not open to the Management to direct the workers to resign from the Union. The condition imposed under Ex. W-14 is against the principles of natural justice. Even after the notice Ex. W-14, some of the workers joined duty. It is argued by the Petitioner's counsel as the workers have put in more than 240 days work in a period of 12 months prior to the date of termination, the termination of service of the workers without any notice or without following the conditions of Section 25-F of the Industrial Disputes Act, is not valid. It is admitted by MW1 for the attendance of the workers for the work, it will be noted in the muster roll. It is denied by the respondent that workers have not worked 240 days continuously in a calendar year. The documents are with the Management. If it is true they can produce the muster roll to show that none of the workers have worked for 240 days continuously in a year. On the other hand the Management refused to produce the muster roll to the Assistant Labour Commissioner who visited the Farm. Ex. W-15 is the report submitted by the Assistant Labour Commissioner. In Para 8 of Ex. W-15, the Assistant Labour Commissioner has stated that the Management did not produce the relevant muster rolls for verifying the service particulars of the workmen involved in the dispute by taking a plea that they were filing a case in the High Court of Madras and requested him to defer the inspection of records. Therefore, the Management was not willing to produce the muster roll even before the Assistant Labour Commissioner. The fact that the workers are employed from 1978-79 they were working continuously till they were refused to give work, is admitted. When the workers claimed that they have worked for more than 240 days continuously in a year, it is the duty of the respondent-management who is having the relevant records to disprove the same. In the absence of any documentary evidence which are available with the Management, it has to be presumed that the workers had worked 240 days continuously in a year. It is argued by the respondent's counsel that these workers are employed as seasonal workers. So, the Industrial Disputes Act, will not apply to them. For that he relied on a decision reported in *Judgement Today* 1994(1) Supreme Court P 163. On the other hand it is argued by the petitioner's counsel these workers are not seasonal workers. The work for which they are employed are also not seasonal. To look after the livestock is a day today affair and continuous work. Therefore, it cannot be stated as a seasonal work. Therefore, the judgement relied on by the respondent's counsel will not apply to the present case. It is further argued by the respondent's counsel the number of livestock has been reduced at present and so the requirement of man power is less and hence the workers cannot be taken back. If this is true, the workers have to be retrenched for want of work under Section 25-F. Termination of service without conducting any enquiry for misconduct will amount to only retrenchment. Admittedly, there were no proceedings taken against the work-

ers under the Central Government Model Standing Orders for their misconduct and thereby they are terminated. Therefore, the termination of these workers will not amount to retrenchment. In that case, they have to follow Sec. 25-F of the Industrial Disputes Act. Without following Sec. 25-F in terminating the services of the workers, the termination is void and not legal.

7. It is argued by the respondent's counsel, creation of new posts reads with the Government of India, Ministry of Agriculture. The present respondent is only Head of Department and he cannot create the post. Now the question of making the workers regular is over by the award passed by this Tribunal in I.D. 58/82. It was not challenged by the respondent. Therefore, they are bound to implement the award first. If there is no necessity to continue the same number of workers for want of work, then they must take action u/s. 25-F. So, the argument of the respondent that at present the requirement of the workers are very limited so these workers cannot be reinstated cannot be accepted. So, the termination of 109 workers as shown in Annexure I is illegal and not justified.

8. Regarding the claim of the petitioners for the full wage for the idle period from 26-12-81, till they are absorbed in service, it is contended by the Petitioner-Union, that the Petitioner-Union filed a Writ petition before the High Court for implementation of the award passed in I.D. 58/82. The High Court directed the respondent to implement the award. In pursuance of the Order of the High Court, the respondent has made permanent about 91 workers, and reinstated them in service. 91 workers were absorbed in the respondent-farm on various dates. Ex. M.1 is the list of workers who were taken back as per the Order of the High Court. It is seen from Ex. I.1, they were allowed to join duty on the respective dates noted against their name in Ex. M.1 with backwages. So, as per Ex. M.1 those who have been taken back have been paid backwages from the date of their termination till they joined duty. So, the claim of the workers for full wages for idle period from 26-12-81 till they joined duty will not arise. Therefore, the workers shown in Annexure II of the Claim are not entitled to full wages for the idle period from 26-12-91 till the date of their absorption.

In the result, an award is passed setting aside the termination of the 109 workmen as shown in Annexure I of the Claim statement and direct the Management-respondent to reinstate them in service with full back wages, and continuity of service. Regarding the claim of full wage for the 80 workers as shown in Annexure II of the Claim statement, is dismissed. No costs.

Dated, this the 7th day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESS EXAMINED

For Workmen :

W.W.1 : Thiru M.P. Subramani.

For Management :

M.W. 1 : Thiru G.P. Ramu.

DOCUMENTS MARKED

For Workmen :

Ex. W-1/25-12-81 : Circular issued by the Management (Xerox copy).

Ex. W-2/25-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness, for reporting work (Xerox copy).

Ex. W-3/26-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness for reporting work (Xerox copy).

Ex. W-4/27-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness for reporting work (Xerox copy).

Ex. W-5/28-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness for reporting work (Xerox copy).

- Ex. W-6/29-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness for reporting work (Xerox copy).
- Ex. W-7/30-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness for reporting work (Xerox copy).
- Ex. W-8/31-12-81 : Representation by the Workmen to the Management about the denial of work and their willingness for reporting work (Xerox copy).
- Ex. W-9/29-12-81 : Letter from the Union to the Regional Commissioner of Labour, Madras about the denial of employment (Xerox copy).
- Ex. W-10/27-1-83 : Award of the Industrial Tribunal in I.D. Nos. 55 and 58 of 1982 (copy).
- Ex. W-11/17-2-83 : Order of the Central Govt. directing the Publication of the award in Gazette (Xerox copy).
- Ex. W-12/15-9-84 : Letter from the Union to the Regional Labour Commissioner (Central) Madras for Conciliation (Xerox copy).
- Ex. W-13/13-8-83 : Order of the Regional Labour Commissioner (Central), Madras (copy).
- Ex. W-14/28-12-81 : Notice issued by the Management (Xerox copy).
- Ex. W-15/7-2-85 : Conciliation failure Report (copy).
- Ex. W-16/5-2-86 : Letter of the Ministry of Labour, Govt. of India, confirming the Annexure I and II covered in the Industrial Dispute (Xerox copy).
- Ex. W-17/17-3-86 : Letter from Dy. Chief Labour Commissioner (C), Ministry of Labour, Govt. of India to the Union (Xerox copy).
- Ex. W-18 : Final list of persons who were taken back as awarded by the Industrial Tribunal (Xerox copy).
- Ex. W-19/7-9-89 : Judgement of Madras High Court in W.P. No. 7667/83 (Xerox copy).
- Ex. 20/3-10-81 : Letter from Ministry of Labour, Govt. of India acknowledging the Conciliation Failure Report.
- Ex. W-21/30-9-82 : Order of reference in I.D. No. 58/82 on the file of Industrial Tribunal, Madras (copy).
- For Management :
- Ex. M-1 : List of workers who joined back duty after the strike of 25-12-81 onwards.
- Ex. M-2 : Bio-data of menials arranged from their service rolls in 4/73.
- Ex. M-3/27-1-83 : Same as Ex. W-10 (Xerox copy).
- Ex. M-4/7-9-89 : Same as Ex. W-19 (Xerox copy).
- Ex. M-5/2-8-91 : Central Government's Order regarding regularisation of Casual Workers of Central Cattle Breeding Farm, Madras (Xerox copy).
- Ex. M-6/25-9-92 : High Court's Order in Contempt Application No. 52 of 1992 (Xerox copy).
- Ex. M-7/series : Order of regularisation issued to 91 workers.

Sd/- I.T.

नई दिल्ली, 13 दिसम्बर, 1995

क. आ. 40 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जेबूर एण्ड कं. कन्ट्रेक्टर आफ मैसर्स टी. पी. राय चौधरी एण्ड कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनवरत में निरन्तर औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-95 को प्राप्त हुआ था।

[संख्या एन-32011/6/94-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 40.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jabbar and Company Contractor of M/s. T. P. Roy Choudhury and Co. Ltd. and their workmen, which was received by the Central Government on the 7-12-1995.

[No. L-32011/6/94-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 7 of 1995

PARTIES :

Employers in relation to the management of M/s. Jabbar and Company Contractor of M/s. T. P. Roy Choudhury and Co. Ltd.

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy Presiding Officer,
APPEARANCES :

On behalf of Management—Mr. S. Sengupta, Advocate
On behalf of Workmen—Mr. R. N. Chandra, President of the Union.

STATE : West Bengal

INDUSTRY : Post and Dock

AWARD

By Order No. L-32011/6/94-IR (Misc) dated 7-3-1995, the Central Government in exercise of its powers under Section 10(1)(d) and sub-section (2-A) thereof of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the contention of the Calcutta Port and Dock Shramik Union that the 15 workmen employed by M/s. Jabbar and Co. were actually working for M/s. T. P. Roy Chowdhury and Co. correct ? If so whether the action of M/s. T. P. Roy Chowdhury and Co. is justified in not treating these 15 workmen as their employee and in not extending all benefits at par with their 11 workmen employed by them ? If not what relief these 15 workmen are entitled to ?"

2. The case of the workmen had been taken up by Haldia-Calcutta Port and Dock Shramik Union, who had entered appearance on their behalf in this reference case. Mr. R. N. Chandra the President of the Union was authorised to appear on behalf of the Union to represent the case of the workmen. He has filed a petition dated 6-7-1995 with a prayer to close the matter as the Union did not like to pursue the matter any further.

3. None of the parties, has filed any written statement in the case and no evidence has been led by either side. Since the Union who has the right to begin, has given up the case and prayed for closure of the same, I accordingly pass this "No Dispute" Award which disposes of the reference.

Dated, Calcutta,

The 20th November, 1995.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 41.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीस बैंक के प्रबंधन के संबंध निवोधकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-95 को प्राप्त हुआ था ।

[संख्या एल-12012/75/90-आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 41.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Indian Overseas Bank and their workmen, which was received by the Central Government on 12-12-1995.

[No. L-12012/75/90-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Monday, the 4th day of December, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal,
Industrial Dispute No. 63 of 1990

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Indian Overseas Bank, Madras-2).

BETWEEN

The Workman represented by

Shri C. Mani,
C/o Shri C. S. Mohan,
90, Lattice Bridge, Opp. Satya Nilayam,
Thiruvanniyur, Madras-600041.

AND

The General Manager,
India Overseas Bank,
762, Anna Salai, Madras-600002.

REFERENCE :

Order No. L-12012/75/90-IR (B-II), dated 25-7-1990,
Ministry of Labour, Government of India, New
Delhi.

This dispute after restoration, coming on for final hearing on Tuesday, the 7th day of November, 1995, upon perusing the reference Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Arumugam, for Tvl. Aiyar and Dolia, U. Padmanabhan, Krishna Rao, Advocates appearing for the Workmen, and of Tvl. N. G. R. Prasad, A. Muni and S. Vaidyanathan, Advocates appearing for the Management, and this dispute having stood over till this day, for consideration, this Tribunal made the following :

AWARD

The Government of India, by its Letter No. L-12012/75/90-IR (B-II), dated 25-7-90, has referred for adjudication before this Tribunal u/s. 10(1)(d) of the I. D. Act, the following dispute :

"Whether the action of the Management of Indian Overseas Bank in discharging the services of Thiru

C. Mani, Shroff/Godown Keeper is justified ? If not, to what relief is the workman entitled to ?"

2. After services of notices, both the parties filed their Claim statement as well as the Counter statement.

3. The case of the petitioner is as follows :

The petitioner joined in the respondent-bank on 6-1-78. The petitioner got his promotion and transferred to S. K. Rangaram branch in May 1984. The respondent bank issued a charge sheet dated 23-7-87 regarding certain acts of commissions and omissions. The petitioner gave reply denying all the charges and allegations. The domestic enquiry was conducted. The petitioner attended the enquiry. Complainant was not examined in the enquiry. Even the management witness gave vague and evasive answers during the examination. The original documents were not filed in the enquiry. Based on assumptions and presumptions the Enquiry Officer gave a perverse finding. So, the enquiry conducted by the respondent was not fair and proper. The advise perported to have been issued by the petitioner was not produced in the enquiry. Further NW-1 is not familiar with the handwriting of the petitioner. The transactions between the petitioner and the complainant were personal in nature and took place outside office hours. Further the complainant withdrew the complaint. There was no loss or damage caused to the bank by the petitioner was not produced in the enquiry. Further the Annexures I and II to the charge sheet were obtained by force. The Disciplinary Authority himself framed the charges, conducted the enquiry and gave the finding and also passed the punishment. The Disciplinary Authority with a vindictive mind issued the charge sheet and predetermined the punishment to the petitioner. The order of discharge passed by the Disciplinary Authority after condoning the misconduct would show that the punishment imposed is disproportionate. Hence the order of discharge may be set aside and the petitioner may be reinstated, with full back wages and continuity of service and other attendant benefits.

4. The respondent-bank filed its counter contending that the petitioner joined the bank on 5-1-78. The petitioner was charge sheeted on 23-7-87 for the following reasons (a) he received gold ornaments from one Shri P. Rajagopalan for raising a loan of Rs. 7,000 from the respondent-bank. Later, he pledged the same to a pawn broker for Rs. 8,500. Out of which he gave Rs. 7,000 to the said Rajagopalan in order to make the said Rajagopalan believe that he had pledged gold ornaments with the bank. He forged the Jewel loan Card No. 812062 purported to be that of Thiruvanniyur branch of the respondent-bank. He had received Rs. 630 as interest and issued receipt purported to be that of the bank. He has also given a forged Jewel loan card of Rs. 5,000 to the said Rajagopalan as if the chain weighing only 52 grams was pledged with the bank, whereas in fact, he had pledged the same with another pawn-broker. Since the petitioner gave vague reply to the charge sheet and enquiry was conducted. In the enquiry petitioner was represented by Vice President of All India Overseas Bank Employees' Union. All the opportunities were given to the petitioner to defend his case. The petitioner was permitted to inspect the records at the branch. Documents in 1, 2, 3, 4 and 8 are original documents produced in the enquiry. The original of Jewel loan card No. 812062 dated 4-7-84 was with the complainant. The petitioner had taken back the same from the complainant. This was confirmed by the complainant. Documents No. 6 and 7 were photostat copies of the receipts obtained by the Bank investigator from the Pawn broker. The Investigator Anandakumar was examined on the side of the Management. Item 8 is the report of the Investigator and the original of the same was produced in the enquiry. Four other documents were relied on during the course of the enquiry. They are letters received from the complainant and a letter given by the previous Manager who was keeping safe custody of the Jewel loan Card and Credit invoice. The findings of the Enquiry Officer are based on documentary and oral evidence. The petitioner was given every opportunity to defend himself. He was allowed to have his defence rep-

representative. The petitioner was given double opportunity to show cause against the proposed punishment of discharge. Further he was given a personal hearing also. In addition to the written submission, he made oral submissions and that was also recorded. The previous record of the petitioner was not good. He was punished for having committed gross misconduct which culminated in two of his future increments withheld with cumulative effect. As the proved charges are serious in nature, the Disciplinary Authority awarded the punishment of discharge. The petitioner filed an appeal to the Appellate Authority. It was also dismissed confirming the punishment of discharge. Two of the advices were held by the complainant and the bank cannot compel the complainant to give the same. So, sufficient proof was produced about the genuineness of the complaint, the fact that the petitioner forged the signature of the Branch Manager in two Jewel loan cards issued by him. The complainant had given a letter dated 13-12-87 affirming the complaint and also the petitioner had taken back all the documents in his custody after giving back the jewel to him. This has been marked as Ex. ME 8 in the enquiry. The fictitious credit advice and jewel cards issued by the petitioner to the complainant show that the transactions are not personal and he used the bank's documents to make the complainant believe that the jewels were in fact pledged with the bank whereas it was pledged by the petitioner to a pawn broker. The contention of the petitioner that no loss was caused to the bank cannot be accepted. The dealings of the petitioner proved beyond doubt that he is unsuitable to be retained in the bank's service. Charges levelled against the petitioner are not vague. The petitioner was charge sheeted by the Disciplinary Authority in accordance with the provisions of the Bipartite Settlement. Under the Bipartite Settlement, before an employee is discharged his mistake is condoned. It does not mean that the proved charges are not serious in nature. Considering the age of the petitioner and taking a sympathetic view, the petitioner was discharged from the service so that he may seek some other employment. Punishment meted out to the petitioner was proportionate to the gravity of the proved charges. Hence the claim of the petitioner may be dismissed.

5. By consent, Exs. M-1 to M-24 were marked.

6. The Point for consideration is.—Whether the action of the Management of Indian Overseas Bank in discharging the services of Shri C. Mani, Shroff/Godown Keeper is justified? If not, to what relief is the workman entitled?

7. The Point : Preliminary issue was raised, whether the enquiry conducted was proper and fair. This Tribunal has given a finding that the enquiry conducted by the respondent is fair and just. Therefore, now the question to be decided is, whether there is sufficient evidence to prove the charges levelled against the petitioner and whether the punishment is disproportionate to the charges levelled against him.

8. The allegation against the petitioner is that he received the jewels from one Rajagopalan, for raising a loan of Rs. 7,000 from the respondent bank but he pledged the jewels with Pawn broker for Rs. 8,500 and he forged the Jewel Loan Card from the Thiruvanniyur branch of the respondent in the name of Rajagopalan and handed over to him. Further he received a sum of Rs. 630 as interest from the said Rajagopalan and issued receipts purported to be given by the bank. Thirdly, he also forged another Jewel Loan Card for a sum of Rs. 5,000 in the name of Rajagopalan from the bank and in fact he pledged the jewels with another pawn broker. During the enquiry, four witnesses were examined on the side of the Management. The fact that the said Rajagopalan handed over the jewels to the petitioner for pledging is not denied. The petitioner instead of pledging the same with the respondent-bank pledged the jewels with a Pawn broker for higher amount. ME-6 is the photostat copy of the receipts obtained from the pawn broker by the Investigating Officer for pledging the gold jewels on 4-7-80 and 7-8-84. It is in the name of the petitioner. The said Rajagopalan has given the complaint to the General Manager of the respondent-bank which is marked as ME-12 in the enquiry. The photostat copy of the Jewel loan Card 812062 in the name of Rajagopalan is produced before the Enquiry. It is dated 4-7-80. It is for a sum of Rs. 7,000. The complainant Rajagopalan also admitted in his letter which is marked as Ex. ME-7 as having the original loan card and

he is prepared to produced whenever required by the respondent. Further a xerox copy of payment voucher for Rs. 210 towards interest for Jewel loan in the name of Rajagopalan dated 29-10-84 was also produced. The petitioner has given two letters dated 14-5-85 to the said Rajagopalan admitting that he has pledged the jewels of Rajagopalan to a Pawn broker on two occasions and also forged Jewel Card from the bank and issued to the complainant and also 3 receipts for payment of interest for the loan on 3 occasions. These were that these letters were not given by the petitioner, or these letters were not produced. It is not denied although it is contended by the petitioner's counsel the original two letters were annexed alongwith the charge sheet. Even The complainant himself admitted in his letter which is marked as ME-7, the originals are with him. In the subsequent letter dated 13-3-87 which is marked as ME-8 in the enquiry, Rajagopalan has said that petitioner has returned all the jewels and got back the original letters and the Jewel Loan Card and the receipts for payment of interest from the complainant. So, the original letters are now with the petitioner. It is also stated in the letter dated 13-3-87 that Rajagopalan has written a letter on 30-9-86 that no action need be taken against the petitioner as he returned the jewels. So, the fact is that the petitioner made use of the bank's records in order to cheat the complainant. The management witnesses were also not cross-examined on the aspect of the Jewel loan card and the receipts alleged to have been given by the petitioner to the said Rajagopalan. It is contended by the petitioner's counsel, since the complainant himself given a letter that the petitioner returned the jewels to him and no action need be taken, the respondent ought not to have taken any proceeding against the petitioner. So, the proceedings taken after the withdrawal of the complainant shows the victimisation and mala fide intention of the respondent. It is true the said Rajagopalan has given a letter that the petitioner returned the jewels and no action need be taken. The Disciplinary action against the petitioner is not for pledging the jewels with the Pawn broker instead of with the bank, but for forging the bank documents as though the jewels are pledged with the bank and using the bank documents and the name of the respondent-bank. Therefore, the action taken for this specific misconduct cannot be said as victimisation or with mala fide intention.

9. It is further contended by the petitioner's counsel, the alleged transaction is a personal transaction between the petitioner and the said Rajagopalan. So, the Disciplinary action taken is not proper. If the transaction is a personal one, the respondent bank had no authority to take any action against its employee. For that he relied on a decision reported in 1990 ILIN P. 26. In the reported case, the delinquent received the amount from the complainant and promised to repay the same in instalment to the R.D. Account of the complainant, but instead of doing so, he misappropriated the same. Therefore, the Court has held it is a private transaction and the bank is not involved. In the present case, if the petitioner pledged the jewels with the pawn broker instead of the bank and left it there, then it is private transaction and the bank is not involved in any way. But petitioner apart from pledging the jewels with the pawn broker, issued bank documents with the forged signature to make the complainant to believe that the jewels were pledged with the bank. Further he has also issued voucher, for payment of interest for the said loan in the bank's documents. So, the petitioner made use of the bank documents which is prejudicial to the interests of the bank in order to cheat the complainant. Under these circumstances, the transactions between the complainant and the petitioner cannot be said as a private one. Therefore, the decision cited by the petitioner will not apply to the facts of the present case. So, the charges levelled against the petitioner are proved by oral and documentary evidence.

10. Regarding punishment imposed to the petitioner, he is only discharged from the service. Even though he was aged 40, with a view to help him to get another employment, he is only discharged from service instead of dismissing him from service. Even though, the effect of discharge and dismissal are more or less the same, in case of discharge from service, there is a chance for the employee to get another employment. But in the case of dismissal from service, for misconduct, the chance of getting another employment is very remote. In the present case, the petitioner not only cheated the complainant but also cheated the bank, without the know-

lege of the bank authorities, he forged the signatures of the officers and made use of the bank documents for his own benefits. So, the charge levelled against the petitioner is more severe. If he is allowed to continue in the bank service, he may indulge in similar transaction in future also. Further his past records are also not good. He has been convicted twice for major misconduct. Therefore, taking into consideration the gravity of the offence committed by the petitioner, the punishment imposed cannot be said as disproportionate.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 4th day of December, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal
WITNESSES EXAMINED

For Workman :

WW-1—Thiru C. Mani.

For Management :

None.

DOCUMENTS MARKED

For Workman :

Nil

For Management :

Ex. M-1/23-7-87—Charge sheet issued to WW-1 Thiru C. Mani (Xerox copy).

Ex. M-2/7-8-87—Letter from WW-1 to the Disciplinary Authority asking time to give reply to Ex. M-1 (Xerox copy).

Ex. M-3/13-8-87—Letter from Disciplinary Authority to WW-1 giving time to submit his reply (Xerox copy).

Ex. M-4/17-8-87—Letter from WW-1 to the Disciplinary Authority denying the charges (Xerox copy).

Ex. M-5/20-8-87—Enquiry Notice issued to WW-1 (Xerox copy).

Ex. M-6/31-8-87—Proceedings of the Enquiry Officer (Xerox copy).

Ex. M-7/2-9-87—Proceedings of the Enquiry Officer (Xerox copy).

Ex. M-8/ —Xerox copy of acknowledgement card addressed to the Management-Bank.

Ex. M-9/30-9-87—Letter from Enquiry Officer to Thiru T. Rajagopal, asking him to attend the enquiry (Xerox copy).

Ex. M-10/7-11-87—Letter from Enquiry Officer to WW-1 regarding date of enquiry (Xerox copy).

Ex. M-11/13-11-87—Proceedings of the Enquiry Officer (Xerox copy).

Ex. M-12/8-12-87—Defence representative's summing up of enquiry proceedings (Xerox copy).

Ex. M-13/28-1-88—Findings of the Enquiry Officer (Xerox copy).

Ex. M-14/ —Charge sheet dated 23-7-87 enclosing exhibits marked in the domestic enquiry (Xerox copy).

Ex. M-15/5-2-88—Show Cause notice issued to WW-1 (Xerox copy).

Ex. M-16/22-2-88—Proceedings relating to show cause notice dated 5-2-88 (Xerox copy).

Ex. M-17/4-3-88—Letter from the Disciplinary Authority to WW-1 (Xerox copy).

Ex. M-18/21-2-88—Letter from Defence Representative to Disciplinary Authority requesting to reconsider the proposed punishment of dismissal to WW-1 and allow him to work in the bank (Xerox copy).

Ex. M-19/7-4-88—Order of discharge issued to WW-1 (Xerox copy).

Ex. M-20/27-4-88—Appeal preferred by WW-1 against discharge order (Xerox copy).

Ex. M-21/16-9-88—Order of the Appellate Authority confirming the order of discharge (Xerox copy).

Ex. M-22/17-6-85—Charge sheet issued to the WW-1 (Xerox copy).

Ex. M-23/25-4-86—Order passed by the Disciplinary Authority stopping of WW-1's two increments.

Ex. M-24/8-6-87—Bio-Data of WW-1 (Xerox copy).

नई दिल्ली, 13 दिसम्बर, 1995

का. शा. 42.—श्रीयोगिन्द्र विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संरक्षित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/301/91-आई. शा. बी-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 42.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 1 Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 11-12-95.

[No. L-12012/301/91-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No. CGIT-16 of 1992

PARTIES :

Employers in relation to the management of Bank of Maharashtra.

AND

Their workmen

REFERENCE :

For the Management.—Shri Loudhe.

For the Workmen.—No appearance.

INDUSTRY : Banking STATE : Maharashtra

Bombay, dated the 21st day of November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal.

"Whether the action of the management of Bank of Maharashtra in relation to its Tilak Road Branch in denying the temporary allowance carrying post of ALPMO to S/Shri S. M. Joshi, G. V. Warekar, V. S. Malekar, is justified. If not, to what relief the workmen are entitled to?"

In this case, the action of the Bank in denying temporary allowance of S/Shri S. M. Joshi, G. V. Warekar & V. S. Malekar was challenged. A claim was filed by the Union. Reply also was filed in opposition. The pleadings were not completed but parties started remaining absent. Hence notices were issued to both sides to appear on 28-9-1995. On 28-9-1995 the management appeared but the union did not appear inspite of service of notice. Today also the union is absent. Hence, I have been left with no alternative but to proceed ex parte.

Since there is no evidence on record in support of the pleadings of the union, the claim of the union remains unsubstantiated and is rejected. An ex-parte award is made accordingly. Let the award be submitted to the appropriate government expeditiously.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 43.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-1, बम्बई के पंचसद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एन-12012/439/90-आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 43.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 11-12-95.

[No. L-12012/439/90-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-35 of 1991

PARTIES :

Employers in relation to the management of Bank of Maharashtra.

AND

Their workmen

APPEARANCES :

For the Management.—Shri R. G. Londhe
For the Workmen.—No appearance.

INDUSTRY : Banking STATE : Maharashtra
Bombay, dated the 21st day of November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal.

"Whether the action of the management of Bank of Maharashtra in relation to Poona camp branch in dismissing Shri V. M. Dhokane, clerk Poona camp branch w.e.f. 21-6-85 is justified? If not, to what relief the workmen is entitled to?"

In this case Shri V. M. Dhokane was imposed punishment of 'Dismissal without notice' after enquiry. This punishment has been challenged by raising an industrial dispute, which has been referred to this Tribunal. Parties completed their pleadings. Both the parties remained absent on certain dates. Eventually 28-9-1995 was fixed for hearing. The management appeared but the union failed to appear in spite of the notice. Today, also nobody appears on behalf of the union.

The Tribunal has no alternative but to proceed ex parte. The union has failed to substantiate that dismissal of Shri Dhokane was improper or illegal. Hence, the workman is not entitled to any relief. The ex parte award is made accordingly. It be submitted to appropriate government immediately for publication in accordance with law.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 44.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-1, बम्बई के पंचसद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एन-12011/4/91-आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 44.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 11-12-95.

[No. L-12011/4/91-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-56 of 1991

PARTIES :

Employers in relation to the management of Bank of Maharashtra.

AND

Their workmen

APPEARANCES :

For the Management.—Shri Londhe.
For the Workmen.—No appearance.

INDUSTRY : Banking STATE : Maharashtra
Bombay, dated the 21st day of November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal.

"Whether the action of the manager, of Tilak Road branch, Pune of Bank of Maharashtra, in not allotting the higher allowance post of Cashier-in-charge/Teller to Sh. G. M. Faizpurkar and V. D. Gore Second Cashier working in the branch, violates the Settlement dated 13-4-1987? Are the workmen entitled to the higher allowance of Cashier-in-charge/Teller and if so from what date? What relief, if any, are the workmen entitled to?"

In this case, the dispute referred to the tribunal is whether the action of the Manager, Tilak Road Branch

Pune in not allotting the higher allowance post of Cashier-in-charge/Teller to Shri G. M. Paizpurkar and V. D. Gore violates the settlement dated 13-4-1987.

Initially both the parties appeared and pleadings were completed. However, the parties later on started absenting themselves. Parties were directed to be served with notice for appearing on 28-9-1995. On 28-9-1995 the Bank appeared but non appeared on behalf of the Union. Today also none appears for Union. Hence, the Tribunal is left with no alternative but to proceed ex parte. No evidence has been led by union to substantiate its claim. Hence, the claim is not established and is rejected. An ex parte award is passed accordingly. The same may be sent to appropriate Government in accordance with law.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 45.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/377/90/आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 45.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 11-12-1995.

[No. I-12012/377/90-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-48 of 1991

PARTIES :

Employers in relation to the management of Bank of Maharashtra

AND

Their workmen.

APPEARANCES :

For the Management—Shri Londhe.

For the Workmen—No appearance.

INDUSTRY : Banking STATE : Maharashtra
Bombay, the 21st day of November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal.

"Whether the action of the management of Bank of Maharashtra in relation to its Pimpri branch in not allotting the Armguard post at Pimpri Currency Chest on temporary basis w.e.f. 1-8-88 to 30-4-90 to Shri D. V. Gaikwad in terms of clause 7(ii) of the Conciliation settlement signed between the

employer and All India Bank of Maharashtra Employees Federation and All India Bank of Maharashtra Workers Organisation on 13-4-87 is justified? If not, to what relief the workman is entitled to?"

On an industrial dispute being raised, a reference was made to this Tribunal pertaining to action of the management in not allotting armed guard post at Pimpri Currency Chest for the period 1-8-1988 to 30-4-1990. The union filed its claim. The Bank opposed it by filing a reply. On certain dates both sides became absent. Notices were directed to the parties to appear on 28-9-95. The union did not appear though the Bank put its appearance. Today also the union is not present. Since the union has chosen not to appear in spite of notice, the Tribunal is left with no alternative but to proceed ex parte.

Since the union has not led any evidence in support of its claim, the claim is not substantiated and the workman is not entitled to any relief. An ex parte award is passed accordingly. The same may be submitted for publication to the appropriate Government in accordance with law.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 46.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/288/90/आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 46.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-1 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 11-12-1995.

[No. I-12012/288-90-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-10 of 1991

PARTIES :

Employers in relation to the management of Bank of Maharashtra

AND

Their workmen.

APPEARANCES :

For the Management—Shri Londhe.

For the Workmen—No appearance.

INDUSTRY : Banking STATE : Maharashtra
Bombay, the 21st day of November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal.

"Whether the action of the management of Bank of Maharashtra in relation to its Sonwar path branch

in not allotting the teller/Cashier's post to Shri A. M. Kulkarni, Second Cashier, Sonwar Peth branch w.e.f. 1-12-87 keeping in view the conciliation settlement signed on 13-1-87 between the Bank of Maharashtra and unions affiliated to ABEA and NOBW is justified? If not, to what relief the workman is entitled?"

In this case, an industrial dispute was referred to this Tribunal by the appropriate Government. Both the sides completed their pleadings and then remained absent on certain dates. Notice was issued to the parties to remain present on 28-9-1995. The union remained absent in spite of notice. Today also the union is absent. I have no alternative but to proceed ex-parte.

Since there is no evidence of the union to substantiate the claim of the workman, the workman is not entitled to any relief. Hence, an ex parte award is made accordingly rejecting the claim of the union. The award be submitted for publication in accordance with law immediately.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 47.—औद्योगिक विवाद अधिनियम, 1947 (1947 वा 1७) की धारा 17 के अन्वय में, केन्द्रीय सरकार केंद्र औद्योगिक फार्म के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एल-42011/11/85/डी-2 (बी)]
के. बी.बी. उष्णी, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 47.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Cattle Breeding Farm and their workmen, which was received by the Central Government on 11-12-1995.

[No. L-42011/11/85-D.II (B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Tuesday, the 7th day of November, 1995

*PRESENT:

Thiru N. Subramanian, B.A. B.L., Industrial Tribunal.

Industrial Dispute No. 12 of 1987

In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Central Cattle Breeding Farm, Alamadhi and another).

BETWEEN

The Workmen represented by
The General Secretary,
Agricultural and Irrigation Workers Union
(CITU),

Alamadhi, Avadi, Madras.

AND

1. Director,
Central Cattle Breeding Farm,
Alamadhi (Tamil Nadu).

2. The Director,
Regional Station for Forage Production and
Demonstration,
Alamadhi, Avadi, Madras.

REFERENCE :

Order No. L-42011/11/85-D.II (B), dated 20-1-87, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Monday, the 16th day of October, 1995 upon perusing the reference, Claim and Counter Statements and other Connected papers on record and upon hearing the arguments of Thiru K. Chandru for Miss Anna Mathew, Advocate appearing for the Workmen and of Thiru S. Seshadri, Central Govt. Pleader appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

The Government of India by its letter No. L-42011/11/85-D.II(B), dated 20-1-87, referred for adjudication by this Tribunal u/s. 10(1)(d) of the Industrial Disputes Act, 1947 regarding dispute :

"Whether the action of the Management of the Central Cattle Breeding Farm and the Regional Station for Forage Production and Demonstration, Alamadhi, Madras for not allowing the same number of public holidays to the daily rated labourers as are allowed to regular staff is justified and legal? If not, what relief the daily labourers are entitled to?"

After services of notices, the petitioner and the respondent filed their Claim statement and Counter statement.

2. The case of the Petitioner-Union is as follows :—The two respondent-establishments are run by the Government of India through its Ministry of Agriculture. The respondents are employing a number of workers in various jobs. The work in which they are employed are permanent and perennial in nature. Even though the workers have put in number of years of service, respondent have not regularised many of them. In the first respondent-establishment there are about 150 workers and in the second respondent there are about 40 workers yet to be regularised. They are working for nearly 10 years. While the regularised workmen enjoy all the Public holidays declared by the Government of India with full wages, the non-regularised workers are not given any benefits. They are made to work on those days without providing any compensatory off or Overtime wages. Such a stand taken by the respondent is wholly illegal and arbitrary. Therefore, the Hon'ble Court may be pleased to pass an award holding that the daily rated workers are entitled to avail all the Public holidays as are allowed to the regular staff with full wages.

3. The first respondent filed his counter contending that the Central Cattle Breeding Farm is a subordinate office under the Ministry of Agriculture, Department of Agriculture and Cooperation, Government of India. Without impleading the Government of India represented by the Secretary, Ministry of Agriculture the petition is liable to be dismissed. The Farm is running an Applied Research Programme. The first respondent is only Head of the Office. The regular employees of the farm are covered by the Central Civil Services. The amenities are given to the employees is contained in the said Rules. No rules have been formulated by Government of India for the daily wages workers or Minister Roll workers. They are appointed and paid under the Minimum Wages Act. They are given only 3 paid holidays as provided under the Minimum Wages Act, viz., the Independence day, Republic day and Mahatma Gandhi's Birthday. There are no provision for any other holidays in the Act. The workers engaged on the above 3 National holidays are paid Overtime allowance equal to double the wages in addition to one single wage in lieu of paid holiday. The daily wages workers have been paid wages on daily wages basis as there is no provision to regularise them. This respondent has neither violate the principles of Article 14 nor Article 43 of the Constitution. Hence the claim of the petitioner may be dismissed.

4. The second respondent filed its counter contending that the claim of the Petitioner is not maintainable either in Law or in facts. The second respondent has no independent status. The petition ought to have been laid against Government of India represented by its Secretary, Ministry of Agriculture. Out of the whole work, the major work relating to the various Agricultural operations being carried out at the Regional Station for Forage production and Demonstration is seasonal. Routine works are only minor as irrigation and watch and ward. The work is neither permanent nor perennial in nature. As regards the holidays as per the Government of India, Orders and Rules, the regular Government servant enjoy all Public holidays. Whereas in accordance with the orders and instructions laid down in the Minimum Wages Act, the casual workers and daily rated workers are allowed 3 paid National holidays. In case they are required to work in any of those Public holidays, they are paid overtime allowance and allowed a substitute holiday with wages in lieu thereof. The respondent is bound by Minimum Wages Act. Hence the claim of the petitioner may be dismissed.

5. Arguments of both the counsel were heard. No document was filed on either side.

6. The Point for consideration is : "Whether the action of the Management of Central Cattle Breeding Farm and The Regional Station for Forage Production and Demonstration, Alamadhi, Madras for not allowing the same number of Public holidays, to the daily rated labourers as are allowed to regular staff is justified and legal? If not, what relief the daily labourers are entitled to?"

7. The Point : Admittedly the Petitioner-Union workers are claiming leave on all Public holidays with pay in par with regularised workers are daily wages workers. It is not disputed. Admittedly the regularised workers are covered by the Central Civil Services Rules which provides Public holidays for them with pay. These daily wages workers are casual workers are paid as per the Provisions of the Minimum Wages Act. There is no provision under the Minimum Wages Act to provide them leave on all public holidays with pay. As per the Minimum Wages Act, they are entitled to leave with pay only on 3 National holidays. Even now they are enjoying the benefit. If they are asked to work on those holidays, they are paid overtime pay. It is also not disputed. Even in the reference also it is stated the workers are daily rated, labourers. Only those workers who are regularised are governed by Central Civil Services Rules which provides for those workers public holidays with pay. Even taking for argument sake, that the daily rated workers or casual labourers work for more than 240 days in a year, they are not automatically entitled to all the benefits of the regularised or permanent workers. Unless they are confirmed with the status of a regularised worker, they are not entitled to claim the benefits provided under the Central Civil Services Rules which govern the regularised workers. There is no deeming provision in the Industrial Disputes Act to the effect if a worker for 240 days in a year he is deemed to be a regular worker. Even for the workers who had worked for 240 days, he has to take steps to regularise their work unless they are regularised by the employer voluntarily or by Orders of the competent authority, they are not getting the status of the regularised worker. Therefore, they cannot claim the rights and benefits of the regularised worker. Therefore the claim of the Union to give all Public holidays with pay to the daily rated workers in par with the regularised workers is not justified.

In the result, an award is passed dismissing the claim of the Petitioner.

No costs.

Dated, this 7th day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None.

DOCUMENTS MARKED

For both sides : Nil.

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 48.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन रेयर अर्थ्स लि. के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोल्लाम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-95 को प्राप्त हुआ था।

[संख्या 31(1)/85/कान-II]

बी. एम. डेविड, डैक अधिकारी

New Delhi, the 13th December, 1995

S.O. 48.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earths Ltd., and their workmen, which has received by the Central Government on the 7-12-95

[No. 3(1)/85-Con-II]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 27th day of November, 1995)

PRESENT :

Sri. C. N. Sasidharan, Industrial Tribunal

IN

Industrial Dispute No. 32/93

BETWEEN :

The Divisional Manager, Indian Rare Earths Limited, Quilon District.

(By M/s. Menon & Pai, Advocates, Ernakulam)

AND

The Secretary, Kerala Minerals Employees Union (UUC (S), Chavara P.O., Quilon District.

(By Sri. P. K. S. Rajeev, Advocate, Kollam)

AWARD

This industrial dispute has been referred for adjudication by the Government of India as per Order No. 31(I)/85-Con. II dated 15-10-1993.

The issue for adjudication is the following :—

"Is Kerala Minerals Employees Union justified in demanding regularisation of services of Sri. K. Ramakrishnan, Casual Tally Clerk with retrospective effect? If justified to what relief Sri. Ramakrishnan is entitled?"

2. As per the reference order the dispute was raised by the Secretary, Kerala Minerals Employees Union. But though notice was served, the union did not turn up and the union was accordingly set ex-parte. On the request of the concerned workman Sri. K. Ramakrishnan he was allowed to prosecute the matter by this Tribunal and he has filed claim statement.

3. The contentions advanced by the workman are briefly as under.—The workman started his career as a tally clerk in 1951 in the Travancore Minerals Co. Ltd., Chavara and continued there till 1968, That company with all its

assets, liabilities and workers were taken over by the management during 1968. As per the direction of the management this workman along with other employees registered his name with the management in 1968. The management started functioning during 1968 and the workman has also joined as casual tally clerk. He was one of the senior most tally clerks and he was to be regularised in 1968 itself. But the management though regularised several junior tally clerks failed to regularise the workman. The management violated the seniority of the workman and the regularisation was done illegally. The workman moved a petition on 4-1-1984 requesting to follow the seniority and the management conducted interview for the casual tally clerks for regularisation. The management placed the workman in the last order in the selection list deliberately for not regularising him. The management has regularised all other tally clerks. However the workman was continuing till 1987 when he attained 60 years. According to the workman he was legally entitled for regularisation and to get all benefits from 68 itself. It is also stated that he has not been given gratuity and the management is bound to regularise him with all benefits.

4. The contentions of the management are briefly as under.—This dispute was raised by the union stated in the reference order and that union did not turn up before this Tribunal. The workman was impleaded in the case and the claim statement was filed by him. This dispute is without jurisdiction as the individual worker has no locus standi to get himself impleaded when he was represented by union. Regularisation of service of employees is the prerogative of the management and it cannot be the subject matter of an industrial dispute. The issue referred therefore is not an industrial dispute and the reference is bad in law. The management is a Government of India undertaking. The management is exporting ilmenite to various countries mainly through Neevadakara Port. Here the exporting season last only for a few months and the work of exporting minerals is seasonal in nature. Therefore the work is being arranged through contract system. The contractor employs his own workman. A skeleton staff consisting of security guard, casual tally clerks etc. numbering between 10 to 15 will be deployed by the management during the establishing season. There will be for tally clerk only for about 90 to 120 days in a season. During 1986-87 there was work for only less than 50 days. In the year 1984 when vacancies for six permanent tally clerks arose the management published an interview notice. Individual notices were also served on all casual tally clerks including the workman. Only 12 appeared for the interview. Selection of tally clerks was made by a selection committee consisting of experts in this field. The selection was made on the interview considering candidates from mining area. Ex-employees, physical fitness, expertise etc. The workman secured only the 9th rank. Since only six posts are to be filled up, the first six persons in the rank list were appointed. The workman was not considered for appointment. The selection made by the management are valid and proper. The management denies the statement of the workman that he had worked in the previous company till 1968. The management purchased only certain assets and liabilities from the official liquidator of Travancore Minerals Ltd. and it was not a take over. The management started a new plant and commercial production was started in 1971 onwards. No seniority list of tally clerks was prepared. The workman was engaged as a casual tally clerk since 1971 as and when work was available. In regularising casual tally clerks the management adopted a fair procedure by calling all of them for interview and on the basis of their performance in the interview a rank list was prepared. Regularisation cannot be made as a rule of thumb on the basis of completion of certain years of casual service that depends on various factors. No illegality has been shown to anybody in the selection process and nobody except the workman challenged the selection made by the management. Though the workman was directed to come and collect gratuity, he did not respond to the request. The management is prepared to pay he gratuity, legally payable to him. The management denies all other allegations of the workman. According to the management the workman is not entitled to be regularised in service automatically and he has no legal right for regularisation.

5. The evidence consists of both oral and documentary. The workman examined himself as WW1 and Exts. W1 to W9 have also been marked on his side. The Deputy General Manager of the management company was examined as MW1 and Exts. M1 and M2 have been marked on the side of the management.

6. The management has raised a legal objection to the effect that the present dispute before this Tribunal is not an industrial dispute within the meaning of the Act and hence the proceedings before this Tribunal is not maintainable and this Tribunal has no jurisdiction to decide this question. According to the learned counsel for the management the present issue referred for adjudication is not coming within Section 2A of the Act and hence it is not an industrial dispute. This reference was made by the Government of India at the instance of the union on behalf of the workman in this case. Since the union failed to come forward and prosecute the matter, the workman was impleaded as a party by this Tribunal. It is pointed out by the learned counsel that by impleading the workman as a party to the dispute a reference cannot be deemed to be an industrial dispute. The question regarding the regularisation is referred to this Tribunal. Now the point to be considered is whether it can be considered as an industrial dispute capable of being prosecuted at the instance of an individual workman under Section 2A of the Act. At this juncture I may refer Section 2A of the Act which reads follows:—

2A. Dismissal etc. of an individual workman to be deemed to be industrial dispute:

"Whether any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workman is a party to the dispute."

A reading of the above provision makes it clear that it covers only cases of discharge, dismissal, retrenchment or termination otherwise of services of an individual workman and no other matters. All industrial disputes which comes within Sec. 2A of the Act cannot be referred to this Tribunal at the behest of an individual workman. By impleading the workman as a party this dispute became an individual dispute and under Sec. 2A it cannot be considered as an industrial dispute capable of being adjudicated. A dispute regarding regularisation which is specifically referred to this Tribunal is not at all mentioned in Sec. 2A. No doubt by virtue of the above provision the scope of the concept of industrial dispute has been widened. But the present issue is not being specifically mentioned under the provision, the impleading of the workman as a party to the dispute would not come to his rescue to make the question referred an industrial dispute within the meaning of the Act. That being the position the present dispute is not an industrial dispute and the proceedings before this Tribunal is not maintainable. Therefore this Tribunal has no jurisdiction to decide the said question. The objection raised by the management is fully sustainable.

7. The learned counsel for the workman would contend that this reference regarding regularisation was originally made under Sec. 10 of the Act and the issue referred is to be considered as an industrial dispute. The learned counsel placed reliance on a decision in Kerala State Electricity Board V. Raveendran Nair (1980 KLN CN 26) in support of the above argument. It is true that the reference was made under Sec. 10 of the Act as it was raised by the union. But the union subsequently left the scene and the workman was impleaded as an additional party thereby converting it into an individual dispute. Hence provision under Sec. 10 does not apply to such a dispute and the remedy open to the workman is in a civil court or by way of arbitration according to law. The decision relied on by the learned counsel mentioned above considered entirely different point viz. seniority or regularly recruited hands who were not parties to the adjudication. Hence this decision has no application here. Therefore the argument of the learned counsel for the workman is devoid of merit.

8. In view of the above conclusion I am not entering a finding with regard to the other contentions raised by the parties as it is not required for the purpose of disposal of this case.

9. In the result an award is passed holding that the dispute before this Tribunal is not an industrial dispute and hence the proceedings is not maintainable and that this Tribunal has no jurisdiction to decide the said question.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the Workman
WW1 Sri K. Ramakrishnan.

Witness examined on the side of the Management
MW1. Sri P. M. Prasantha Kumar.

Documents marked on the side of the Workman

Ext. W-1 : Memo issued to Sri Ramakrishnan offering employment for the shipping season for the year 1951-52 Travancore Minerals.

Ext. W2. : Memo issued to Sri Ramakrishnan offering employment in the shipping season for the year 1952-53 from Travancore Minerals.

Ext. W3. : Memo dated 2-11-1953 issued to Sri Ramakrishnan offering employment in the shipping season for the year 1953-54 from Travancore Minerals.

Ext. W4. : Series (4 nos.) Memos issued to Sri Ramakrishnan offering employment in the shipping season for the years 1955-56, 56-57, 59-60, 61-62 and 1962-63.

Ext. W5. : Permit card issued to the workman from the management dated 16-11-1968 for the period November 1968 to April 1969.

Ext. W6. : Ticket issued to the workman from the management for the month of January 1974.

Ext. W7. : Copy of representation addressed to the Divisional manager of management from the workman dated 1-1-1984.

Ext. W7-A : Postal acknowledgement.

Ext. W8. : Copy of representation addressed to the management from the workman dated 9-6-1970.

Ext. W9. : Photostat copy of agreement dated 27-1-1965 between the liquidator of Travancore Minerals Ltd. and the management.

Documents marked on the side of the Management

Ext. M1. : Rank list of 12 candidates selected by the committee appointed by the management dated 18-1-1984.

Ext. M2. : Photostat copy of memorandum of settlement entered into between the management and Kerala Minerals Employees Association dated 11-3-1992

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 49.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-95 को प्राप्त हुआ था।

[संख्या एन-41012/121/92/आर्टिक्लरबी आइ]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 49.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly. and their workmen, which has received by the Central Government on 12-12-1995.

[No. I-41012/124/92-IRB1]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT:

Judge R. S. Verma, Presiding Officer.

Reference No. CGIT-86 of 1993

PARTIES:

Employers in relation to the management of Central Railway, Bombay.

AND

Their workmen.

APPEARANCES:

For the Management: Shri T. N. Tripathi, Sr. Clerk.

For the Workman: No appearance.

Bombay, dated the 20th day of November, 1995

INDUSTRY: Railways.

STATE: Maharashtra.

AWARD

The appropriate Government has made the following reference to this Tribunal:

"Whether the management of Central Railway, Bombay in removing Shri P. B. Shingade, TRC, Shahad w.e.f. 12-3-80 is just, proper and legal? If not, to what relief is the workman entitled to?"

On 20-11-95 none present on behalf of workman. Workman is also absent. Shri T. N. Tripathi, Senior Clerk D.R.M., Bombay V.T. present. He states that the workman has not supplied the management with the copy of the written statement of claim in spite of directions given on the last date. In view of this fact and the fact that the workman is not appearing, it can reasonably be inferred that the workman is not interested in prosecuting his claim. In these circumstances, the Tribunal is left with no alternative but to hold that removal of the workman was just and proper. Ex-parte award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 50.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-95 को प्राप्त हुआ था।

[संख्या एन-41012/55/93-आर्टिक्लरबी आइ]

पी. जे. माईकल, डेस्क अधिकारी

S.O. 50.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., and their workmen, which was received by the Central Government on 12-12-95.

[No. I-41012/55/93 I.R.B.1]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

Industrial Dispute No. 16 of 1995

In the matter of dispute between :

The Zonal Working President,
Ganesh Ganj,
U.R.K.U. 96/196, Roshan Bajaj Lane
Ganesh Ganj Lucknow.

AND

The General Manager,
Northern Railway,
Baroda House,
New Delhi.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its notification no. L-4101/55/93-IR.(B.I.) dated 13-1-1995, has referred the following dispute for adjudication to this Tribunal :-

"Whether the demand of Shri Sadanand son of Ram Narayan Carpenter Ex. Carpenter under PWI N. Rly. Unnao for pension and leave encashment after superannuation from 31-1-1992 is legal and justified. If not what relief the workman is entitled to?"

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 51.--आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बरोडा के प्रबंधन के संबंध में निर्याजकों और उनके कर्मचारों के बीच, अनुबंध में निहित आयोगिक विवाद में, केन्द्रीय सरकार आयोगिक अधिकरण-1, बम्बई के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एन-12011/18/93/आई. आर. बी. 2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 51.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 11-12-95.

[No. L-12011/18/93-IR(B-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
REFERENCE NO. CGIT-38 OF 1994

PARTIES :

Employers in relation to the management of Bank of Baroda.

AND

Their workmen

APPEARANCES :

For the Management : Shri T.K.M. Das

For the Workmen : No appearance.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 21st day of November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal :

"Whether the action of the management of Bank of Baroda, Bombay in resorting to the method of aptitude test for selection of ALPM Operators and exempting the workman who had worked on ALPM continuously for 210 days from the aptitude test is justified. If not, what reliefs are the affected workmen entitled to?"

The dispute referred to this tribunal was if resorting to aptitude test for selection of ALPM and exempting the workmen who had continuously served was proper. The Union filed a statement of claim but later on did not put in appeal. Notices for today's hearing were ordered to be issued on 27-9-1995. The Union has, inspite of notice, chosen not to appear. It has not led any evidence. The claim is not substantiated and is rejected *ex parte*. An *ex parte* award made accordingly. Let the award be submitted to the appropriate government in accordance with law expeditiously.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 52.--आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. आई. सी. ऑफ इंडिया के प्रबंधन के संबंध में निर्याजकों और उनके कर्मचारों के बीच, अनुबंध में निहित आयोगिक विवाद में, केन्द्रीय सरकार आयोगिक अधिकरण-1, बम्बई के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एन-17012/130/90-आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 52.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of I.I.C. of India and their workmen which was received by the Central Government on 11-12-95.

[No. L-17012/130/90-IR (B.)

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No. CGIT-38 of 1994

PARTIES :

Employers in relation to the management of Bharat Heavy Nigam Ltd

AND

Their Workmen

Their Workmen

APPEARANCES :

For the Management—Shri Dharwadkar, Advocate
For the Workmen—Shri A. S. Deo.

INDUSTRY : Insurance STATE : Maharashtra

Bombay, the 22nd November, 1995

AWARD

The appropriate Government has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the Life Insurance Corporation of India in not appointing on regular basis and denying full salary and other benefits as applicable to regular employees of the Corporation to S/Shri D. P. Jondhale, Generator Operator and S. S. Jadhav Gardner with effect from 4-2-1984 and 18-12-1982 respectively is justified? If not to what relief the workmen are entitled?"

2. The case of the workman, shown of unnecessary details, is as follows :

Shri D. P. Jondhale was appointed as a Generator Operator on 24-2-1984 by the Divisional Manager, L.I.C., Satara for operating and maintaining a Generator installed in the Office of the said Divisional Manager. Initially, Jondhale was paid wages at the rate of Rs. 15 per day for the period 24-2-1984 to 31-5-1985. Their wages were paid monthly. Wages for Sundays and holidays were not paid. On 1-6-1984, the mode of payment was altered and the workman came to be paid consolidated monthly wages of Rs. 400.

3. With respect to Shri S. S. Jadhav, it was pleaded that he was engaged under that very management as a Gardner on 18-12-1982 on a daily rate of Rs. 8 per day. He was paid at the said rate till 31-5-1983. This daily rate was revised to Rs. 9 per day for the period 1-6-1983 to 31-7-1983 and was further revised to Rs. 15 per day for 1-8-1983 to 31-12-1983. However, from 1-1-1984, the mode of payment was changed and workman was paid wages @ 390 per month, whenever, the workman remained absent, a deduction of Rs. 15 per day was made.

4. In both the cases, it has pleaded that the workmen were kept employed for the whole day. Their work was controlled and supervised by Officials of the L.I.C.

5. The grievance of the workmen is that in the year 1985 CGIT gave an Award in the matter of employees of the LIC whereby daily rate of wages were revised to 1/30th of the minimum monthly gross wages of a workman in permanent status. LIC accepted the Award and issue a circular revising the daily rate of wages w.e.f. the year 1983. All other daily rated employees got the benefit of this revision but these workmen were denied this benefit. The other grievance of the workmen is that one more Award was made whereby the temporary daily rated and part time workmen were allowed some other benefits e.g. P.F. Leave and Annual increments, but the benefits were also denied to these workmen.

6. It was pleaded that change in mode of payment from daily wages to monthly consolidated wages was done without the consent of the concerned workmen and hence provision of Section 9-A of the I. D. Act were attracted. Both the workmen were entitled to minimum of the wage applicable to the respective categories of Generator Operator and Gardner and non-payment of wages as per respective scales was violative of the principles of equal pay for equal work. It was further pleaded that both the workmen were entitled to be appointed on a regular basis w.e.f. the date each one was appointed.

7. Upon such pleadings following reliefs were claimed :

"(a) It may be held that the workmen Shri D. P. Jondhale and Shri S. S. Jadhav have been working in the regular vacancies of Generator Operator and Gardner (Mali) at Satara Divisional Office of the Corporation

(b) It may be further held that the management's action was wrong in denying them the revised daily rate

equivalent to 1/30th of the minimum gross of the scale of cadre in which they were working since 24-2-1984 and 18-12-1982, being the dates of their appointment, at the rate as prescribed by the CGIT of Dr. Justice R. D. Tulbule in the year 1985 effective from 1-1-1982.

- (c) It may also be held that the management's action was wrong and unjustified in denying them the benefit of revised daily rate of wage which was equivalent to 1/30 of the gross minimum as per the Interim Award and the Instructions of the Central Office dated 15-1-1985 effective from 1-1-1982.
- (d) It may be directed that both the workmen having been in the service of the Corporation at its Satara Office since the last 6 and 8 years respectively doing routine and regular jobs as Generator Operator and Gardner (Mali) which categories enjoy a regular scale be regularised and their wages and other service conditions be regularised retrospectively from the date of their joining the service of the Corporation on 24-2-1984 and 18-12-1982 respectively.
- (e) It may be submitted that this Hon'ble Tribunal be pleased to direct the Corporation to pay them the arrears arising from the fixation of their wages in the relevant scales and corresponding Dearness and other allowances due to them in terms of the Rules of the Corporation applicable to the regular workmen from time to time, as if they are in the permanent service of the Corporation.
- (f) The Corporation may be further directed to pay the arrears with interest the Hon'ble Tribunal may deem fit and necessary in the facts and circumstances of the case and having regard to the long sufferings and hardships caused to the workmen on account of denial of legitimate demand like absorption, wage and other service conditions.
- (g) It may be held that the Corporation's action in changing the method and mode of payment of wage all of a sudden of both workmen without their consent and of the Union to which they belong was wrong and violative of the provisions of the I. D. Act.
- (h) It may also be held as unjustified the Corporation's action in changing their status from 'daily rated' to the so called 'contract' which is done by the then Divisional Manager without any authority and competence and further it was a mala fide action done with a view to circumvent the legal obligation.
- (i) The Corporation may be directed to pay the costs which this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case.
- (j) Any other order that this Hon'ble Tribunal may feel justified and appropriate in the interest of justice and fair play."

8. The LIC in its reply resisted the claim of the Union and pleaded that S/Shri D. P. Jondhale and S. S. Jadhav had been appointed on contract basis. In case of Jondhale, the contract did not stipulate any fixed hours of work; his presence was only required, when there was failure of electricity. As regards, Jadhav it was pleaded that he was engaged for a specific job for specified number of hours. It was denied that the two workmen were required to work whole time. It was denied that there were any sanctioned posts of Gardner or Generator Operator. It was pleaded that regular appointments could be made only against sanctioned posts and vacancies and that too only in accordance with rules/regulations governing such appointments. Persons appointed on ad-hoc basis or on contract basis could not claim any regularisation.

9. As regards the earlier awards, it was pleaded that both the workmen in question were not covered by them. It was further pleaded that in pursuance of the Award dated 17th April, 1986 of the National Industrial Tribunal in reference No. NTB-1 of 1985 the Bafli temporary and

part-time workmen of the Corporation were considered for appointment in regular services of the Corporation. The Government of India had subsequently referred the said Award for interpretation to the National Industrial Tribunal and the Hon'ble Tribunal gave its Award on 26th August, 1986 interpreting the provisions of the Award dated 17th April, 1986. The Corporation had, thereafter, filed a Special Leave Petition before the Hon'ble Supreme Court of India (SLP No. 14906 of 1983) challenging the aforesaid two Awards dated 17th April, 1986 and 26th August, 1988 in so far as they relate to the conditions of regular employment of the temporary, badli and part-time workmen. However, during pendency of the aforesaid SLP discussions were held with the various Unions/Associations representing the workmen and as a consequence thereof, parties have been able to arrive at a compromise. The Hon'ble Supreme Court has been pleased to pass an Order on 1st March, 1989 to the effect, inter-alia, that pending final disposal of the appeal, the Corporation may proceed with implementing the terms of compromise filed before the Hon'ble Supreme Court as an interim measure. The said Special Leave Petition is pending before the Supreme Court of India. As per the said terms of the compromise the case of self-contractor's, electricians, work charged employees are not covered for absorption in the services of the Corporation.

10. A rejoinder was also filed on behalf of the Union and the same in substance reiterates the pleas taken in the written statement of claim and do not materially add much to the same.

11. Both the sides have led oral and documentary evidence. Both the sides have filed written arguments. I have heard both the sides orally as well. I have also carefully perused the material available on record and have bestowed my earnest consideration to the arguments advanced on both the sides.

12. First of all, I may deal with the nature of appointments of the two workmen. I am state at the outset that there is neither pleading nor proof to the effect that posts of Generator Operator were borne on the sanctioned strength of the staff of Satara Division of the LIC. Of course, evidence has been led to the effect there is a post of A.C. plant Operator in the Bombay Divisional Office and likewise there is a post of full time Gardner in Aimir Division. As against this LIC has led evidence to the effect that under the LIC (staff) Regulations, there is no post of Generator Operator or of a Gardner. Be that as it may, this position is undisputed that there was no sanctioned post of generator operator or gardner in the Satara Division of LIC.

13. This Tribunal is neither competent nor have jurisdiction to direct the LIC to create posts of gardner or of A.C. operator in the Satara Division of the LIC. It is, therefore, obvious that LIC could not have appointed a generator operator in the Satara Division of the LIC. It is, therefore, sanctioned posts were available in Satara Division against which these appointments could have been made under the relevant regulations.

14. However, the matter does not entirely rest here and there are other vital aspects of the controversy which need to be examined. Admittedly, S. S. Jadhav came to be appointed in December 1982 to work as gardner in the Divisional Office of LIC at Satara. Likewise D. P. Jondhale was appointed to work as generator operator in the same office. There is evidence to the effect that both the workmen were required to work whole time under the supervision of the LIC officials. Though initially an attempt was made to show that these employees were not required to work whole time and were engaged only for certain hours in the day, depending upon the exigencies of work, Shri G. M. Acharya, an A.A.O. serving in the Divisional Office of LIC at Satara has candidly admitted in cross-examination, "It is true to say that Jondhale's presence in office for the whole day was necessary". He tried to evade this issue so far as Jadhav was concerned but eventually admitted squarely "It is true to say that both Mr. Jondhale and Jadhav were coming in the office at 9/10 a.m. and leaving at 5/30 a.m." He also admitted "The office Superintendent used to supervise over there (Site) work"

15. From the evidence on record, I find it fully established that both Jondhale and Jadhav were required to work whole time and as such were really whole time employees of the

LIC. Then evidence on this aspect gets corroboration from the evidence of Shri Acharya as stated above

16. An attempt was made to show that the two employees were independent contractors and could not have any legitimate right to call themselves as employees of the LIC. This argument deserves to be stated only for sake of rejection. Ours is a country where unemployment is rampant. It is an employers' world and employers use all devices and stratagems to deprive hapless petty paid workman of their rights, privileges and benefits. Moreover, as Shakespear remarked 'What's there in a name?'. Shri Deshmukh vehemently contended that since there were no sanctioned posts against which Jadhav or Jondhale could have been appointed, they must be taken to have been engaged as contractors on ad hoc basis whose services could be terminated any time. It was submitted that these were need based engagements and were made under contract of employment. True, on the face of it, the appointments were on contract. But, in my opinion, the contract of employment is only a false facade, a veil, which this Tribunal must pierce and hence I must look at the real nature of these engagements.

17. One aspect of the case, that stares one in the face is that though the appointments are labelled as contracts or need based ad hoc appointments, the truth is that the work, to perform which, both the employees were appointed, was not of a casual nature or of temporary or transient duration or of ephemeral nature but has continued to exist over the long periods during which the two employees have been serving the LIC. A fair employment policy would have required the LIC, keeping in view the fact of long term needs of the posts, revise the sanctioned posts so as to bring within its purview such employees, who were appointed on ad hoc basis but deserved to be made permanent. Periodic revision of cadre strength and sanctioned posts, is an exercise, which is usually undertaken in all well organised sectors. In a welfare state, this is an imperative to be adhered to. In not doing so, the LIC has adopted a very unfair employment policy, driving the two workmen to avoidable litigation. However, this is a matter for consideration of LIC which is expected to act as a model employer, particularly when it claims to be stated as adumbrated in para 6 of its written statement. It hardly behaves the LIC to take the stance that since these posts in question are not borne on the sanctioned strength of the employer, it is entitled to keep the two employees to their jobs on unreasonably low wages, not at all comparable with the wages payable to its regular employees which are borne in cadre of class IV employees. Such a stance deserves to be deprecated in unequivocal terms.

18. How a valid and proper argument can be twisted to suit the convenience of an employer is exemplified by the plea of LIC taken in para 6 of the written statement. It inter-alia reads :

"If LIC chooses to appoint person on daily rated or contracted basis for some period of time and thereafter absorbs them in regular posts without following the rules laid down for recruitment for regular posts on permanent basis, it would amount to infringing fundamental rights in the matter of equality of opportunity of young men who are entitled to seek equal opportunity in the matter of employment in public service."

Really, it is the proverbial case of the Satan quoting the scriptures !

19. Learned union's representative vehemently relied upon Tulpule award for claiming regularisation of the two workmen and in this regard took me through various paragraphs of Dr. Tulpule's classic award and its subsequent interpretation. He also relied upon the provisions of Staff Regulations, 1960 notification of 1985 and 1989, Promotion Policy, 1987 award of 1985, 1986 and 1988, circulars dated 11-11-86 and 25-2-1987, minutes of conciliation proceedings dated 20-4-90 etc. Upon such material, he claimed that want of sanctioned posts, did not and could not restrict the jurisdiction of this Tribunal to direct regularisation. Reliance was also placed on certain precedents. I have carefully considered this material and I am of a firm view that regularisation can be directed only against sanctioned and vacant posts. This Tribunal can not direct creation of posts in sanctioned strength. However, I hope that policy makers in the LIC would soon take stock of ground realities and would take

steps to revise sanctioned strengths of their subordinate cadres, looking to the permanent needs of the organisation and will create posts against which persons serving the LIC for long periods, may be permanently absorbed. This is bound to impose some financial burden on the LIC but it must remember that contented workmen are a real asset to the organisation, while discontented labour force is a veritable liability.

20. Now, the question is as to what relief should be granted to the present two workmen. In my opinion, it would be just and proper to direct the LIC to pay to the two workmen total monthly emoluments at the minimum of pay scale, admissible to class IV employees with effect from 1-2-91 with interest at the rate of 12½ per annum after adjusting payments already made to them. In future, also the two workmen would be paid month by month, such total emoluments, as are payable at the minimum of the scale of the class IV employees of the Corporation with benefits of leave, G.P.F. etc.

21. I would also direct that the LIC should pay costs of this litigation. The costs are assessed at Rs. 5,000.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

नम. अ. 53.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार मे, केन्द्रीय सरकार द्वारा अधिनियम के प्रावधानों के अन्तर्गत नियोजित और नियोजित करने वाले, अनुबंध में नियोजित औद्योगिक विवाद से सम्बन्धित सम्पूर्ण औद्योगिक अधिनियम, 2 दिसम्बर को संघर्ष को समाप्त करने के लिए केन्द्रीय सरकार को 12-12-95 को पता हुआ था।

[संख्या 11-12011/58/92/आई.आर. बी. 2]

ब्राज मोहन, डेप्ट. ऑफिसर

New Delhi, the 13th December, 1995

S.O. 53.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 12-12-95.

[No. L-12011/58/92-IR(B-II)]
BRAJ MOHAN, Dept. Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENTS :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/20 of 1993

Employers in relation to the Management of Bank of India.

AND

Their Workmen

APPEARANCES :

For the Employers.—Mr. L. L. D'Souza Representative.

For the Workmen.—Mr. Deepak Patil Representative.

Bombay, dated 22nd November, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-12011/58/92-IR (B-II) dated, 1-3-93 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Bank of India in relation to Miraj branch in deducting one day wages of their staff in respect of working day on 1-2-88 is justified? If not, what relief to which the workmen are entitled?"

2. On 1st February, 1988 the staff members of the Miraj branch of the Bank have reported for duty as usual. When they found that the place of work was full with dust and was not clean as is normally expected before start of work, this fact was reported to the manager. He informed that due to abrupt absence of the regular sweepers, the work was not done. He was also told that the work can be done by engaging casual labourer. However, the manager did not pay proper attention to the reasonable expectation of the workman even though he is legally bound to discharge his responsibility. The manager took nearly an hour for cleaning and dusting the work place by getting the services from Sangli Branch of the Bank.

3. The Union contended that the manager then made distorted version of the events of that day and the management team stand that the workmen of the Miraj Branch have obtained from their work as such have resorted to an illegal and unfiled strike. It is also reported that illegal action of bringing about a complete cessation of work in concern on combination with each other and with a common understanding was carried out by the employees.

4. The Management of Bank of India relying on the version of the manager took action on the workman and deducted one days wages of 1-2-1988 from the salary of July, 1988. It is denied that the worker went on strike on that day on the other hand the employees have put in the work allotted to them on that day. It is submitted that the management ought to have taken into consideration that all the employees have performed the normal work of the said day and as such the ratio of the Supreme Court in the case of Bank of India v/s. T. S. Kelavala 1990 II L.J. 39 is applicable to them.

5. It is proved that for all these reasons the management may be directed to refund the amount which was deducted, to the staff members along with 18 per cent p.a. from July, 1988 to the date of payment with other reliefs.

6. The management resisted the claim by their Written Statement Ex. 3. It is asserted that the manager of the Bank got the premises cleaned immediately. It is submitted that he requested the employees to carry out the work when he got the tables clean but Suryavanshi, the Union Representative at that Branch and other insisted on getting clean all the flooring of the building till then declined to work. They attended the duties later on. There was no justification for them to absent from duty and cause inconvenience to the members of the Bank. It is asserted that by the principle of 'no work no pay' the workers were not entitled to that day's salary. It is submitted that as the employees had reported illegal strike a severe action should have been taken against them, but the management had taken sympathetic view of the matter and deducted only one day's salary. It is denied that the action of the management is illegal and arbitrary. It is submitted that under such circumstance the decision may be answered in favour of the management.

7. The Union reiterated the contentions taken in the Claim Statement by their rejoinder Ex. 4. The issues that fall for my consideration and findings thereon are as follows :—

ISSUES

FINDINGS

1. Whether the action of the management of Bank of India in relation to Miraj Branch The action of Bank of India in relation to Miraj The action respect of working day on 1-2-88 is justified.
2. If not what is the relief to which the workmen are entitled? Does not survive.

REASONS

3. It is not in dispute that the duty hours of award staff at Miraj Branch are from 10.45 a.m. onwards. It is also not in dispute they refused to work for the reason that the tables, chairs and premises were not swept and cleaned. Miraj Branch comprises of the main building and the annexed building. Both these premises have on part time sweeper and his duty hours commences at 7 a.m. On 1-2-1988 the sweeper did not report on duty without any intimation. On noticing this, the branch manager Shri Dombhe tried to contact a

badli staff at about 8 a.m. to carryout sweeping and cleaning work at the branch. As they were not available at their residence the manager contacted the manager of Sangli branch on telephone at his residence. He requested to him to depute the badli staff to the Miraj branch to carryout sweeping and cleaning work. At about 10.30 a.m. one badli sweeper, Sheikh, reported at work at Miraj branch. He cleaned, dusted the counters, tables, and chairs in the main building first by 10.45 a.m. Even then the staff members did not occupy their respective seats although they have signed their muster rolls. The branch manager in the presence of Assistant Branch Manager, Mahabreshwarkar called Suryavanshi the Branch Union Representative and requested him that all staff members should occupy their seats and start the work.

9. Suryavanshi (Ex-9) affirmed that the award staff took their seats at about 11.45 a.m. to 12.00 noon. He denied that they occupied the seats at 12.45 p.m. In other words it can be straight away be said that the union accepted the position that, from 10.45 a.m. to 12.00 noon eventhough they signed the muster they did not occupy the seats.

10. Dombhe (Ex. 11) the manager and Mahabeshwarkar, the Assistant Branch Manager (Ex. 13) affirmed that the staff did not report to the duty till 12.45 p.m. The difference which is of 15 minutes is not that material which the union tried to submit.

11. It is not in dispute that it is the duty of the management to see that the premises are clean before the employees occupy their seats for work. I do not find any reason to disbelieve the manager and the Assistant Manager who affirmed that the counters the chairs were cleaned before 10.45 a.m. It is not their case that the premises were swept at that time. The insistence of Suryavanshi that the premises should be swept and then only they will occupy their seats appears to be unreasonable. It was not that it was every day's case. The case was an exception. The manager or the management cannot be said to be at fault at all. Infact it appears that the proper steps were taken to engage badli sweepers to get the work done.

12. It was first day of the month. It is affirmed by the management witnesses that the pensioners and other customers were in the Bank for doing the transaction. It is common knowledge that the pensioners require their pension on the first day of the month to meet out their expenses. It is needless to say that the main transaction of the Banking is in the beginning and its close down in the later part of the working hours. The employees action to abstain from duty, in the peak hours i.e. in the beginning of working hours of the bank clearly affected that day's work. Under such circumstances the management should not have deducted the one day's wages on the principles 'No work No pay'.

13. The Union and the Management both place reliance on Bank of India V/s. T. S. Kelawala and ors. 1990 II L.L.J. 39. It is observed by their Lordships Normally when the workmen go on strike for a portion of the day, the employer at the most could deduct only prorata wages. But when the employees go on strike during the crucial working hours which generate work for the rest of the day, to accept such argument is in effect to negate the purpose and efficacy of the remedy and to permit its circumvention effectively. When the employees come back for work after their strike during such crucial hours, it may be that they are not prevented from entering the work place but such attendance after the crucial working hours would be useless as there would not be work to do during the rest of the hours. Such later resumption of work by the employees was not in fulfilment of the contract of service or any obligation under it. The employer therefore is not liable to pay either full day salary or even the pro rata salary for the hours of work that the employees remained in the work place without doing any work. It is not a mere presence of the workmen at the place of work but the work that they do according to the terms of the contract which constitute the fulfilment of the contract of employment and for which they are entitled to be paid.

14. From the ratio which I have referred to above, it is very clear that the employees action of not doing the work in the beginning of the working hours resulted into not having the work done on that day. On the ratio given in

the authority the action which is taken by the management for deducting one day's salary is perfectly justified.

15. From the above said discussion it is very clear that the award staff refused to work from 10.40 a.m. to 12.00 noon. Their action therefore, amounts to a strike within the meaning of Section 2(g) of the Industrial Disputes Act, 1947. Section 2(g) of the Industrial Dispute Act defines "Strike means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment." In the present dispute the cessation of work way by a body of persons. They acted under common understanding of refusing to work untill the premises are cleaned and sewpt. The refusal was concerted. The award staff refused to accept employment. Hence the provisions of Sec. 2(g) are squarely attracted. It is not required that to constitute strike, the refusal to work has to be for the whole day; it could be also for a few hours. The fact that the duration of the strike was for a few minutes or for a few hours is irrelevant, what is common understanding by a body of workmen. It is thus clear that the action of the award staff in refusing to work from 10.45 a.m. to 12.45 p.m. on 1st February 1988 tantamounts to strike within the meaning of Sec. 2(g) of the Industrial Disputes Act, 1947.

16. Section 22 of Industrial Disputes Act. of 1947 prohibits strike in public utility service without giving proper notice and within 14 days of giving notice. Admittedly no strike notice was given for 1-2-1988. It is, therefore, the strike is illegal. There is no reason to characterise the strike as justifiable.

17. It is tried to submit on behalf of the Union that the employees who were on leave were also met with the same consequences. In fact teh employees who were on leave cannot be said to be on strike and therefore their salary could not be deducted. It is also tried to suggest that the action which is taken by the management after lapse of 5 months is not justifiable. I am not inclined to accept this. It is because in such a type of institution, then a report is submitted to the management have to consider servant aspects. In it and then to give its findings. It cannot be said that here the action was taken after considerable delay.

For all these reasons I record my findings on the points accordingly and pass the following order.

ORDER

1. The action of the management of Bank of India in relation to Miraj Branch in deducting one day's wage of their strike in respect of working day on 1-2-1988 is justified.
2. No order as to cost.

S. B. PANSE, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 54 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैमर्स वी. बी. चैनाय के प्रवक्तव्य के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, और थम न्यायालय संख्या 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-95 को प्राप्त हुआ था।

[संख्या एल. - 31012/9/91-आई.आर. (विवाद)]

बी. एम. डेविड, हेमक अधिकारी

New Delhi, 13th December, 1995

S.O. 54.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal cum-Labour Court No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B. V. Chinai and Co., Bombay and their workman, which has received by the Central Government on the 11-12-1995.

[No. L-31012/9-91-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY
PRESENT :—

Shri Justice R. S. Verma Presiding Officer.

Reference No. CGIT-1/10 of 1992

PARTIES :—

Employers in relation to the management of
B. V. Chinai & Company, Bombay.

ANND

Their Workmen

APPEARANCES :—

For the Management : Shri R. M. Joshi,
Advocate.

For the Workmen : No. appearance.

INDUSTRY : Clearing & Forwarding

STATE : Maharashtra

Bombay, dated 14th November, 1995

AWARD

The appropriate Government has made the following reference to this Tribunal.

"Whether the action of the management of M/s. B. V. Chinai & Co. Bombay in terminating the services of Shri S. R. Hodawdekar, Peon w.e.f. 4-3-1989 unilaterally without complying the provisions of I.D. Act, 1947 is just, legal and proper? If not to what relief is the workman entitled to?"

2. The workman in his written statement of claim pleaded that he was appointed on 2-3-1986 by the employer opposite party and his services were summarily terminated on 4-3-1989 in utter disregard to the principles of natural justice, with undue haste and without having any regard to the past record of services and without giving him any benefits. Some other pleas pertaining to certain incidents were also raised but are not germane for disposing of the reference.

3. The respondent employer admitted that the workman had been appointed on 2-4-1986 but it

denied that it had terminated the services of the workman on 4-3-1989. The case of the employer is that the workman has not been attending his duties since 4-3-1989 because his explanation was called with regard to certain conduct of the workman.

4. The workman has not filed his affidavit in support of his written statement of claim. This fact was brought to the notice of the workman on 14-9-1995 when he appeared in person. That day, the employer filed affidavit of one Uday B. Chinai. The workman prayed for time to file affidavit and was granted time and the case was adjourned to 9-10-1995.

5. On 9-10-1995 the workman was again present in person and again prayed for time to file affidavit. He was granted one more opportunity and it was mentioned that "this is last opportunity". Today the matter has come up for affidavit of the workman. The workman is not present and has not filed any affidavit in support of his claim.

6. The reference to this Tribunal is based on the assumption that services of the workman were unilaterally terminated on 4-3-1989. Shri Joshi appearing on behalf of the management submits that this is not so and the workman himself did not report on duty because he was asked to explain his conduct due to which management had suffered a financial loss of Rs. 4,325/- and a client of the management was also lost permanently. He relies is, this connection on the affidavit filed by Shri Uday B. Chinai.

7. In view of the fact that the workman has not come to support his claim and in view of the fact that the employer has come out with specific case that workman himself has not been attending to his duties since 4-3-1989, this reference has to be rejected, being incompetent.

8. Shri Joshi has stated before me that in case the workman appears before the management, it shall have a right to take action against him in accordance with law. In view of this statement and the discussion made above, the reference is rejected, since it has not been established that the services of the workman were terminated at all as alleged.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 55.—औद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैमर्स के. लाल एण्ड कं. (जूनियर) के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-95 को प्राप्त हुआ था।

[संख्या एल.-32011/5/86-डी-4 (ए)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 55.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. K. Lall & Co. (Jr.) Calcutta and their workmen, which has received by the Central Government on the 7-12-1995.

[No. L-32011/5/86-D. IV(A)]

B. M. DAVID, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 15 of 1987

PARTIES :

Employers in relation to the management of M/s. K. Lall & Co. (Jr.), Calcutta.

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer

APPEARANCE :

On behalf of Management—None.

On behalf of Workmen—Mr. M. Mukherjee, Advocate.

State : West Bengal. Industry : Port & Dock.

AWARD

By Order No. L-32011/5/86-D. IV(A), dated 16-1-1987, the Central Government in exercise of its powers under section 10(1)(d) and sub-section (2-A) thereof, referred the following dispute to this Tribunal for adjudication :

"Whether the demand of the workmen of M/s. K. Lall & Co. (Jr.) 21, Satya Dr. Road, Calcutta for the revision of :—

1. Basic wages, Dearness Allowance, Variable Dearness Allowance, House Rent Allowance, Washing Charges of Watchmen,
2. Basic pay, Dearness Allowance, Variable Dearness Allowance, House Rent Allowance and Washing Charges of Clerical staff;
3. Annual leave with full wages/salary in respect of daily rated and monthly rated workmen ;
4. Guaranteed employment to all watchmen and watchmen supervisors and
5. Festival holidays in a year with full wages.

is justified ? If so, to what relief are the workmen entitled ?"

2. It is a reference case of the year 1987. Even though the workmen appeared through their learned counsel, the management of M/s. K. Lall & Co. (Jr.) did not choose to get themselves represented in the case during the hearing of the case. Both the parties had filed their written statements followed by a rejoinder by the workmen, the rejoinder having been filed on 13th November, 1989. Workmen who had the right to begin, have not taken any steps thereafter to lead their evidence before this Tribunal. As far back as on 12-5-1992 the management however started to examine their first witness whose examination was not concluded. They also have taken no steps thereafter to bring their witness to be examined in the Court.

3. After several adjournments the case was called on 2-5-1995 when none appeared for either side and no representation was made on their behalf for any adjournment. The Tribunal directed that the case to be called on 22-6-1995 as a last chance for hearing. On that date it was also ordered that the case would be called on 9-8-1995 for hearing and if the parties did not take any steps on that date, necessary orders would be passed. In spite of that, no party appeared on the next date and no mention was also made by either of them. I therefore come to hold that the parties have given up their case. Accordingly, I pass this "No Dispute" Award in this reference case.

The reference case is accordingly disposed of.

Dated, Calcutta,

The 17th November, 1995.

K. C. JAGADEB ROY, Presiding Officer.

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 56 .—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पोरेशन लि. के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) बंबई के पंचयत को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-95 को प्राप्त हुआ था।

[संख्या-एल.-20040/64/94-आई.आर. (कोल-1)]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th December, 1995

S.O. 56.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1) Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Petroleum Corporation Ltd., and their workmen, which was received by the Central Government on 12-12-95.

[No. L-20040/64/94. IR (Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

REFERENCE NO. CGIT-1/33 OF 1995.

PARTIES :

Employers in relation to the management of
Hindustan Petroleum Corporation Ltd.,
Mahul

AND

Their Workmen

APPEARANCES :

For the Management : Shri Kantharia, Advocate

For the Workmen : No appearance.

INDUSTRY : Petroleum STATE : Maharashtra

Bombay, dated 17th November, 1995

AWARD

The appropriate Government has referred following dispute for adjudication.

“Whether the demand of the Union for absorption by the management of Hindustan Petroleum Corporation Ltd., Mahul Refinery of Shri Utham M. Patchkar and 70 other workmen (as per list enclosed) is justified ? If so, to what relief the workmen are entitled to ?”

2. The Union espousing the cause of the workmen was served through its Secretary by a registered notice received by the Secretary on 21-8-1995. The case was fixed up on 13-10-1995 but nobody appeared on behalf of the Union to file a written statement of claim.

3. Shri Kantharia appears on behalf of the management. Since no claim has been filed even today, it appears that the Union is not interested in prosecuting the matter. In view of this position it may be inferred that there is no surviving dispute between the parties. Hence, I have no alternative but to pass a ‘no dispute Award’. A ‘no dispute Award’ is accordingly passed.

R. S. VERMA, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 1995

का.आ. 57 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-95 को प्राप्त हुआ था।

[स. एल.-19012/54/85-डी-4 (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 14th December, 1995

S. O. 57.—In pursuance of Section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on the 7-12-95.

RAJA LAL, Desk Officer

[No. L-19012/54/85 D IV(B)]

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 31 of 1986

PARTIES :

Employers in relation to the management of
Sripur Colliery of M/s. Eastern Coalfields
Limited

AND

Their Workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of management : Mr. P. Banarjee,
Advocate.

On behalf of workmen : None

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-19012(54)/85-D.IV(B) dated 10th March, 1986, Central Government in exercise of its powers under section 10(1) (d) and sub-section (2A) referred the following dispute to this Tribunal for adjudication :

“Whether the management of Sripur Colliery of M/s. Eastern Coalfields Limited, P.O. Sripur Bazar, Dist. Burdwan is justified in stopping the overtime payment with effect from 1-1-79 in respect of workmen as mentioned in the Annexure ? If not, to what relief the workmen concerned are entitled ?”

ANNEXURE

Sl. No. Name of workmen

1. Shoi Dhar Singh
2. Hirda Narayan Singh
3. Rambachan Singh
4. Saheb Singh
5. Sardah Kurmi
6. Gajraj Ahir
7. Patharoo Nunia
8. Kedar Singh Yadav
9. Amardeo Yadav

10. Sampat Yadav
11. Hansraj Ahir
12. Badari Tewari
13. Mahendar Lal
14. Ramprit Singh
15. Arjun Singh
16. Ramsakal Mal
17. Hakim Mia
18. Seo Pujan Singh
19. Jawahir Harijan
20. Indar Singh
21. Lakhan Das
22. Md. Sadik
23. Seomuni Singh
24. Sri Nath Ahir
25. Magal Bouri
26. Paresh Nath Shaw
27. Ramdhani Singh
28. Pradip Singh
29. Ram Singh
30. Darsoh Ahir
31. Munilal Yadav
32. Mohan Gar
33. Haridawar Harijan
34. Radha Mohan Kairi
35. Nathuni Mia
36. Hanith Mia
37. Ch. Abqsh Mia
38. Rambahal Singh
39. Ramsundar Singh
40. Ramrup Singh
41. Ram Naresh Singh
42. G. N. Chatterjee
43. Kailash Prosad
44. Dasu Rabidas
45. Suraj Pal Singh
46. Ramlalit Singh
47. Ramawatar Singh
48. Nabi Hassan
49. Jadu Ahir
50. Brinchi Pati
51. Patik Bouri
52. Md. Sattar
53. Maloo Goala
54. Lal Bahadur Singh
55. Suresh Tewari
56. Nagina Paswan
57. Jagadish Yadav
58. Jagadeo Yadav
59. Rajendrar Paswan
60. Chandrika Nunua
61. Barath Lall
62. Barath Saw
63. Ful Chand Yadav
64. Rambidhi Singh
65. Ram Karan Barai
66. Ajij Khan

67. Anika Saw
68. Bisundeo Yadav

2. This is a reference of the year 1986 but the workmen have not participated in the proceeding even though the notice was made sufficient on the General Secretary of the Colliery Mazdoor Congress, Asansol, which have taken up the case of the workmen. No written statement has been filed on their behalf till now nor any evidence has been led by them. In such view of the matter, Mr. Banerjee, learned counsel for the management states that the workmen have given up their case and a "No Dispute" Award be passed in the case.

3. I find that the case has been lingering for a long time and several adjournments have been given. The order sheet shows that even though the notice on the workmen had been made sufficient in the year 1992, no steps had been taken by the workmen to represent their case before the Tribunal. I also do not find any materials on the record to show that the workmen have been prevented to present their case before the tribunal, which makes me feel that the workmen have given up their case.

4. Since no Award can be passed without any materials on the record and the workmen who had the right to begin the case, has not led any evidence, I pass this "No Dispute" Award.

This reference is disposed of accordingly.

Dated, Calcutta,

The 16th November, 1995.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 1995

का. आ. 58.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-95 को प्राप्त हुआ था।

[सं. एल.-19012/10/86-डी-4 (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 14th December, 1995

S.O. 58.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on 7-12-95.

[No. L-19012/10/86 D-IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

नई दिल्ली, 14 दिसम्बर, 1995

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 73 of 1986

PARTIES :

Employers in relation to the management of
Coal India Limited North Eastern Coal-
fields, Margharita.

And

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding
Officer.

APPEARANCES :

On behalf of Management :

Mr. D. Mukhopadhyaya, Advocate.

On behalf of Workmen.

Mr. J. C. Consul, Advocate.

STATE : Assam.

INDUSTRY : Coal.

AWARD

By Order No. L-19012/10/86-D.IV(B) dated 11th November, 1986 the Central Government in exercise of its powers under section 10(1)(d) and sub-section (2A) thereof referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management in dismissing Shri Mukund Bind, Coal Cutter, Baragolai Colliery w.e.f. 13-8-85 by the Management of Coal India Ltd., North Eastern Coalfields, Margharita is justified ? If not, to what relief the workman is entitled ?"

2. This is a reference of the year 1986. Even though the management and the workmen have filed their written statements, the Janata Mazdoor Sangh, Regional Committee, Baragolai, Dibrugarh who has taken up the case of the workman has not yet led any evidence in support of their contention raised in the written statement although the notice on both the parties were made sufficient and both the parties chose to be represented by advocates,

3. Since there can be no adjudication in a reference without the materials on record and there is nothing in the record to show that the workmen are prevented to represent their case before the Tribunal. I am to hold that they have given up their case. I accordingly pass a "No Dispute" Award in the case which disposes of the reference.

Dated, Calutta,

The 17th November, 1995.

K. C. JAGADEB ROY, Presiding Officer

का. आ. 59.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबन्धन के संबंध निम्नलिखित और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-95 को प्राप्त हुआ था।

[सं. एल.-19012/49/83-डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 14th December, 1995

S.O. 59.—In pursuance of Section 1 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on 7-12-95.

[No. L-19012/49/83 D-IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 15 of 1984

PARTIES :

Employers in relation to the management of
Parascole Colliery, Post Office Kajora-
gram, District Burdwan.

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding
Officer.

APPEARANCES :

On behalf of Management :

Mr. P. Banerjee, Advocate.

On behalf of Workmen.

None.

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-19012(49) 83-D.IV(B) dated 6th May, 1984. the Central Government in exercise of its powers under section 10(1)(d) and sub-section (2A) thereof, referred the following dispute to this Tribunal for adjudication :

"Whether the management of Parascole Colliery, Post Office Kajoragram, District Burdwan (W.B.) of Eastern Coal-

fields Ltd., was justified in placing Sri Dhani Mahato, Blacksmith, in Category III and whether the said management was justified in paying him underground allowance for his work as underground of Category III wages? If not, to what relief the workman is entitled?"

2. This is a reference case of the year 1984. The notice on the Union which had taken up the case of the workman had made sufficient as far back as in the year 1984. Even though the General Secretary of the Union Sri S. Mazumdar had appeared for the workman but failed to file any letter of authority for the same.

3. Even though a written statement had been filed by the workmen on 16th July, 1984, followed by a rejoinder on 2nd January, 1986 in reply to the written statement of the management dated 21st September, 1984, No step have been taken by the Union to lead their evidence.

4. Since nothing is found in the record to show that the workmen have been unduly prevented to appear before the Tribunal to present their case, I am to hold that the workmen have given up their case. Since no Award can be passed without any evidence in record, I accordingly dispose of this reference by passing a "No Dispute" Award.

The reference is disposed of accordingly.

Dated, Calcutta,

The 16th November, 1995

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1995

का. भा. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सारस्वत कोऑपरेटिव बैंक लि. के प्रबन्धन के संलग्न नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, बंबई नं. -2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-1995 को प्राप्त हुआ था।

[संख्या एल.-12011/14/88-डीआईबी/आईआरबीआई]

पी. जे. माईकल, डैम्क अधिकारी

New Delhi, the 15th December, 1995

S.O. 60.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation

to the management of Saraswat Co-operative Bank Ltd. and their workmen, which has received by the Central Government on the 14-12-1995.

[No. L-12011/14/88-DIB/IRBI]

P. J. MICHALE, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY PRESENTS:

Shri S. B. PANSE, Presiding Officer

Reference No. CGIT-2/33 of 1988

Employers in relation to the Management of Saraswat Co-operative Bank Ltd.

AND

Their Workmen.

APPEARANCES:

For the Employers.—Shri K. M. Naik, Representative.

For the Workmen.—Shri Vijay Kantharia, Advocate.

Bombay, dated 23rd November, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-12011/14/88-D.I(B) dated 20-9-1988 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Saraswat Co-operative Bank Ltd., in withdrawing the circular dated 29-1-88 on 5-2-88 and thus changing the cut-off date from 12-12-87 to 30-9-87 and depriving two Stenographers and one clerk of appearing in the Test for promotion to the post of Sub-Accountant is justified? If not, what relief are the concerned workmen entitled to?"

2. The General Secretary, Saraswat Co-operative Bank Employees Union filed a statement of claim at Ex. '2'. It is contended that some promotions were to be made to the post of clerks and Sub-Accountants. On 2-9-87 A circular that displayed on the Notice board for calling applications for promotions to Sub-Accountant staff to the post of clerks in Pune Region. In the same day another circular was displayed were in the applications were called, from Junior class for the promotion of Sub-Accountants. In both the cases the cut off date was 30-9-87. The Union made representations to the bank for extending the cut off date to eligibility on 7th December 1987. The date of the submission of the applications of the candidate was extended to 12th December, 1987, pursuant to which the Union made a demand to extend the cut off date of eligibility to 12th December, 1987. There was a staff committee meeting wherein the bank ac-

cepted the demand of the Union regarding extending the cut off date from 30-9-87 to 12-12-87. Thereafter the bank issued a circular dated 29-1-88 to the effect that cut off date eligibility was extended from 30-9-87 to 12-12-87. On this basis applications were invited from eligible workmen for promotion to the call letter dated 18-1-88. The concerned workmen were called for written test on 28-2-88 for the promotions from clerk and stenographers to sub-accountants.

3. The Union contended that thereafter unilaterally the bank withdrew the circular dated 29-1-88 and changed the cut off date of eligibility from 12-12-87 to 30-9-87. As a result two stenographers and one clerk were disqualified from appearing in the test and their right to be considered for promotion was taken away. The Union contended that this action of the management in depriving the said two stenographers and one clerk is void. It is without any reasons and amounts to unfair labour practice. It is therefore prayed that the circular which was issued by the bank dated 29-1-88 is illegal and not justified that the action of the bank in not allowing the two stenographers and one clerk and three peons to appear for the promotional test as illegal and unjustified. It is also prayed that the bank may be directed to promote all of them with other reliefs.

4. The management filed its written statement at Ex'3'. It is contended that the promotion policy relation to its employees is laid down in the memorandum of statement dated 12-10-86. The said statement no way laid down any criteria for ascertaining or determining the cut off date or last date of reckoning the seniority of the employee for eligibility to the promotional test/examination. In other words fixing of cut off date is the discretion of the management. It is submitted that there cannot be no Industrial Dispute in respect of the said issue.

5. The management pleaded that there was a representation on behalf of a large number of peons that the cut-off date should be 30-9-1987 and not 18-12-1987. The management asked the Unions representative to submit a letter contending that the date should not be changed but they refused to do so. It is avered that looking to the representation dated 2-2-88 made by large section of employees the cut off date was changed considering the totality of the circumstances and more particularly the peace in—Industrial Relations. It is avered that due to the said change by which two stenographers and one clerk was affected. It is denied that the management practiced unfair labour practice. It is submitted that the Union is not entitled to any reliefs as prayed in the statement of claim.

6. My learned Predecessor framed Issues—at Ex-4. The issue and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether no industrial dispute as contemplated under the Industrial Disputes Act exists between the union and the management in question ?	The Industrial Dispute exists.
2. Whether the question of reckoning the last date of cut-off date for promotional test/examination is entirely at the discretion of the management of the bank ?	It is arbitrarily Changed.
3. Whether the action of the Mgt. of Saraswat Co-op. Bank Ltd. in withdrawing the circular dated 29-1-88 on 5-2-88 and thus changing the cut-off date from 12.12.87 to 30.9.87 and depriving two stenographers and one clerk of appearing in the test for promotion to the post of Sub-Accountant is justified ?	Not Justified.
4. If not to what relief are the concerned workman entitled ?	As per final order.
5. What Award ?	As per final order.

REASONS

7. Sunil Sahadeve Manjrekar (Ex '6') the General Secretary of Saraswat Co-operative Bank Employees Union and now President of the said Union affirmed relating to the contents of the statement of claim. As against that Francis Thomas Alphonso (Ex '9') affirmed for the management.

8. No disputed fact can be stated to be that initially the management issued a circular dated 2-9-87 for promotions of clerks and sub-accountants from respective staff wherein the cut off date was 30-9-87. This date was not found suitable to the union. It made representation to extend the date and ultimately the management agreed to extend the cut off date to be 12-12-1987. The applications were called on its basis. Thereafter on 29-1-1988 the bank issued another circular and changed the cut off date from 12-12-1987 to 30-9-1987. As a result of it two stenographers and one clerk were disqualified for appearing in the test and their right to be considered for promotion was taken away.

9. It is argued on behalf of the management that the action which was taken by the management cannot be termed as an Industrial Dispute and the reference is not tenable. On the other hand the union argued that the dispute relates to the conditions of service and therefore it falls within the meaning of Industrial Dispute.

10. Section 2K of the Industrial Disputes Act defines the Industrial Dispute. It states that the Industrial Dispute means any dispute of the differences between employer and employees or between employers or workmen or between workmen and workmen who is connected with the employment or non employment or the terms of employment or with the conditions of labour of any person.

11. It is well settled that the right to be considered for promotion as condition of service. The circular which is challenged by the union affects the promotional agreement of one worker and of two stenographers who are members of the Union. In other words the dispute relate to the workmen who are not considered for the promotions. It is to be stated that it is Industrial Dispute. The Learned Advocate for the Union also placed reliance on NIC Sen V/s. Labour Appellate Tribunal (1953) at LL 6 wherein his Lordship observed that the dispute admissible by section 2(k) is a controversy in which the workmen is directly or substantially interested. It must also put the grievance felt by the workmen which the employers is not in a position to remit. Both the conditions must be present. It must be the grievance that the himself and it must be the grievance that the employer is in a position to remedy the said grievance. From the facts and circumstances which are referred to above the management was in a position to set right the facts or give remittance to the workmen. On the ratio given in this authority the present dispute is to be stated to be an Industrial Dispute.

12. From the statement dated 12-10-1986 it has to be a aid that the question of reckoning the last date or cut off date for promotional test examination is entirely on the discretion of the management of the bank. But from the paratise it appears that when such a date is fixed it cannot be changed arbitrarily. Here in this case the management had changed the date arbitrarily without consultation with the union which is not justified. It is the case of the union that the cut off date is changed arbitrarily. On the other hand the bank in order to justify its action has contended that the staff committee received a representation from about 62 peons appealing/demanding the cut off date policy fixed by the management is 30-9-1987 and not to be changed to any other date. Ex. '5/4' as the said representation. It is 3077 GI/95-9.

argued on behalf of the union that on the said representation there are no signatures but the signatures are on separate sheets. That paper came to be linked with the representation dated 2-2-88. Alphonso admitted that this letter is not signed by any clerk or any stenographer. It is not in dispute that no clerk or stenographer had ever approached the bank for changing the cut off date from 12-12-87 to 30-9-87. Naturally the said representations has no relevancy to whatsoever nature to the right of being considered to promotion of the clerks as stenographers.

13. Alphonso had admitted that criteria of promotion from peon to clerk and stenographer and clerk to sub-accountant is quite different. The written test for both of them were on different dates. There were different circular calling the application for different cadres. I, therefore, find substance in the argument on behalf of the union that even if the said representation found to be genuine had no concern with the promotions of the clerks and stenographers.

14. It is pertinent to note that the union when approached A & C for the withdrawal of this circular, the A.L.C. only referred the dispute relating to the withdrawal of cut off date in respect of stenographers and clerks. But from looking to the prior clause in the statement of then the union had tried to push up the cases regarding the peons also. After going through the terms of reference that demand is not at all justified. It is not in the reference.

15. The Learned Advocate for the management tried to submit that what the management should show in this particular case that there action was justified. He time and again submitted that with the intention of having the Industrial peace the date was changed. But as I have already observed above even if the representation is found to be genuine or accepted they had no reasons to change the cut off date for the clerks and the stenographers at the most they could have done so in regard to the peons. Therefore, I do not find any justification in the action of the management.

16. The Learned advocate for the management argued that even if it is found that action of the management is not justified the two stenographers and one clerk cannot be promoted automatically. Because deciding of suitability is the exclusive management function and same cannot be taken away by the tribunal. To substantiate this he placed reliance on State Bank of India vs. Mohd. Miyadin 1988 1 ILL 9317 in which it has been inter alia held as under :

"If promotion has been denied arbitrarily or without any reason, ordinarily the

court can issue a direction to the management to consider the case of the concerned officer for promotion. But it cannot issue a direction to promote the officer concerned to the higher post without giving an opportunity to the management to consider the question of promotion. The Court is not by its very nature competent to appreciate the policies, qualities or the attributes necessary for the task, office or duty of every kind of post. In the modern world it would be hazardous for it to undertake the responsibility of assessing whether the person is fit for being promoted to higher post... (emphasis supplied)." Relying on the ratio in the above said authority, the prayer which is made by the union in prayer clause that of paragraph 9 cannot be granted as it is. For all these reasons I record my findings in the issues accordingly and pass the following Order :

ORDER

1. The action of the management of Saraswat Co-Operative Bank Ltd., in withdrawing the circular dated 29-1-88, 15-2-88 and then changing cut off date from 12-12-87 to 30-9-87 and depriving two stenographers and one clerk of appearing from the written test for promotion to the post of sub-accountant is not justified.
2. The management is hereby directed to consider the cases of the concerned employees for promotion forth with.
3. The Management to pay Rs. 300 as the cost of this reference to the union and to bear its cost.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1995

क्र. प्रा. 61.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार मैमर्स जे. विल्फोर्ड एफ. एण्ड श्री. एण्ड सन्स के प्रबन्धक तन्त्र टुटिकोरिन के प्रबन्धक तन्त्र के संवत्त नियोजकों श्रीमत् उनके कर्मचारों के बीच, शत्रुता में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपट को एकांकित करनी है, जो केन्द्रीय सरकार को 8-12-95 को प्राप्त गया था।

[संख्या एल.-44012/33/93-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th December, 1995

S.O. 62.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Madras is shown in the Annexure, in the industrial dispute between the employers in relation to the management of J. Wilford F&O and sons, Tuticorin and their workmen, which has received by the Central Government on the 8-12-95.

[No. L-44012/33/93-IR(Misc)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, MADRAS

Friday, the 10th day of November, 1995

PRESENT :

Thiru N. Subramaniam, B.A. B.L., Industrial Tribunal.

Industrial Dispute No. 111 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of J. Wilford FO & Sons, Tutimorin).

BETWEEN

Thiru M. Antony Raj F&O,
C/o. The General Secretary,

Tirumolvoli District Democratic General Workers' Union,
Tuticorin-628 001.

AND

Thira J. Wilford F&O Sons,
C/o. The Secretary, The Tuticorin
Sailing Vessel Overseas Association,
72, Thattar Street, Tuticorin-628 001.

REFERENCE :

Order No. L-44012/33/93-IR(Misc), dated 4-4-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal, upon persuing the reference and other connected papers on record and the parties being absent, this Tribunal passed the following award.

AWARD

This reference has been made for adjudication of the following issues:

"Whether the action of the Management of J. Wilford F&O Sons, in denying

STATE : West Bengal. INDUSTRY : Port & Dock.

AWARD

"Whether the action of the management of Calcutta Dock Labour Board vide letter dated 19-6-90 against Shri Dipak Kumar Ray, Overseer is justified? If not to what relief the workman is entitled?"

2. Both the parties had filed written statements followed by a rejoinder by the workmen dated 16-4-1993. Parties had also filed copies of the documents and the case was fixed for hearing on 22nd November, 1995. The workmen were represented by Mr. A. Banerjee, General Secretary of the Calcutta Port & Dock Industrial Workmen Union and the management was represented by Mr. B. K. Chakraborty, Industrial Relations Officer.

3. Before the evidence could be led, it is stated by Mr. Banerjee representing the Union that the grievance of the concerned workman Sri Dilip Kumar Roy, an Overseer working under the Calcutta Dock Labour Board is against the punishment recorded against him by order dated 6-8-1990 communicated to the workman on 8-8-1990 by the Board, which order had been confirmed on appeal by the Appellant Authority and was communicated to the concerned workman on 10-5-1991. But inadvertently the reference made to this Tribunal for adjudication has been the legality of the letter dated 19-6-1990, which admittedly is only a letter of the Board asking the workman Sri Roy for showing cause to the proposed punishment.

4. In such view of the matter, Mr. Banerjee did not want to proceed further in challenging the letter dated 19-6-1990 and submitted that the Union shall move the appropriate government for making a proper reference afresh regarding the legality of the action of the Board in passing the order of punishment dated 6-8-1990 which had been confirmed by the Appellant Authority on 10-5-1991. He accordingly did not proceed with the examination of his witness and prayed for a "No Dispute" Award be passed in this reference case. I accordingly pass a "No Dispute" Award in this case.

The reference case is disposed of accordingly.

Dated. Calcutta.

The 24th November, 1995.

K. C. JAGDEB ROY, Presiding Officer

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No.i 29 of 1992

PARTIES :

Employers in relation to the management of
Calcutta Dock Labour Board.

AND

“Their workmen

PRESENT :

Mr. Justice K. C. Jagdeb Roy, Presiding
Officer.

APPEARANCE:

On behalf of Management—Mr. B.K. Chakraborty, Industrial Relations Officer.

नई दिल्ली, 16 दिसम्बर, 1995

का.घा. 63.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स कुमार ब्रदर्स एण्ड कम्पनी के प्रबन्धन के संबंध में निम्नलिखित शर्तों के अन्तर्गत कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 2) मुद्राधिकार के अन्तर्गत को प्रसारित करता है, जो केन्द्रीय सरकार की 7-12-95 को प्राप्त हुआ था।

[संख्या एल.-29011/38/82-डी-III (नं.)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th December, 1995

S.O. 63.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kumar Brothers and Co. and their workmen, which has received by the Central Government on the 7-12-1995.

[No. L-29011/38/82-D. III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under
Section 1(1)(d) of the I.D. Act, 1947

Reference No. 7 of 1985 (Old)

Reference No. 31 of 1988 (New)

Employers in relation to the management of Messrs
Kumar Brothers & Company and their
workmen.

APPEARANCES :

On behalf of the Workmen.—Shri S. Bose,
Secretary, R.C.M.S. Union.

On behalf of the employers.—Shri B. Joshi,
Advocate.

STATE : Bihar INDUSTRY : Magnenite

Dated, Dhanbad 28th November, 1995

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 had referred the following dispute to the then Central

Government Industrial Tribunal No. 3 at Dhanbad vide their Order No. L-29011/38/82-D.III(B), dated, the 3rd October, 1985. Subsequently vide Ministry's Order No. S-11025/7/D-IV(B) dated, the 31st December, 1987 the said reference was transferred to this Tribunal for adjudication.

SCHEDULE

Whether the action of the management in retrenching 319 workmen vide Annexure of their Sua Magnetite Mines w.e.f. 9-7-1982 and 10-7-1982 without giving them any terminal dues and not providing them with employment after reopening of the mines (w.e.f. 1-10-82) is legal and justified? If not, to what relief the workmen are entitled to?"

2. To meet the reference details of which are stated above, the workmen filed their W.S. stating inter alia that that the workmen concerned are the employees of Sua Magnetite Mines (hereinafter referred to as management) and they have been terminated with effect from 9-7-82 and 10-7-82 without assigning any reason.

3. The said workmen 319 in number (hereinafter referred to as workmen) are the members of Palamau Khan Mazdoor Sangh and being member of the said union made a representation to the ALC(C), Ranchi and the said ALC(C) Ranchi after hearing both the parties and perusing materials on record and also being satisfied about the claim of the concerned workmen referred the matter to the Government of India, Ministry of Labour for deciding the reference as referred to above.

4. The further case of the workmen is that the termination order with effect from 9-7-82 and 10-7-82 in respect of the said 319 workmen whose names are stated in the annexure without giving any notice or paying any notice pay is against law and is also against the trend of the observation of the ALC(C), Ranchi. Before the ALC(C) Ranchi all the 319 workmen presented themselves on 18-9-92 and causing enquiry ALC(C) failed for conciliation and then referred the matter to the Ministry of Labour, Government of India from which this reference has arisen.

5. The management is an Iron Ore Mines of M/s. Kumar Brothers & Co. which is situated in the jungle of Palamau district having no good approachable road and taking advantage of various difficulties faced by the workmen and being private concern they did not observe the statutory provision and rules for running the mines and starting from appointment till retrenchment no law of industrial establishment and Standing Orders Act was followed. That act of the management is whimsical and arbitrary and without assigning any reason they non-complied the recommendation

made by the ALC(C) and disagreed to reinstate the said workmen and in this reference the workmen prays for reinstatement with full back wages along with other reliefs available to them.

6. In the rejoinder, the addition to the facts stated above it is stated further that it is a fact that some names were included in the Ministry thereafter as it was omitted initially. Also it is stated that the area of the Mines as stated are not true nor it is a fact that the number of workmen actually worked therein is as per statement of the management. The workmen as stated were actually required in comparison of the workmen done therein, and other facts contrary to it are specifically denied.

7. The management in their W.S. in the context of the present reference has stated that the claim of the workmen is baseless, imaginary and not legally maintainable and also suffers from vagueness for indefinite and incomplete biodatas of the alleged workmen. It is denied that ever these workmen worked in the management mine and they were terminated on 9-7-82 or 10-7-82 as alleged.

8. It is submitted that the mine in question is seasonal in nature and only 10 to 14 workmen worked on every day during the year and the workmen of the mine remained suspended due to danger of inundation of mines from surface water.

9. It is stated further that Shri S. P. Verma, President of the union namely Palamau Khan Mazdoor Sangh raised this imaginary dispute in order to harass the management with malafide intention for his personal gain asking the management to pay a sum of Rs. 2000 for his personal expenses. The said Shri Verma admitted before the ALC(C), Ranchi that he did not know any labour of the management concerned before 9-7-82 and thereby it leads to the presumption that the claim is baseless, imaginary and absurd. However, it is admitted in the W.S. that in course of conciliation proceeding Form B Register from 1-1-81 and 82 was produced before the ALC(C) Ranchi and the names of the workmen actually worked were found revealing from the said register but the names of these concerned workmen did not appear in the Form B Register or Form D or E or Form III wages register. It is admitted that from 1-1-81 to 14-3-82 only about 20 persons including the Manager, Night Watchmen, Made Watchman were employed to work in a pit of 150' x 25' only and subsequently this strength was reduced to 14 to carry safety works as per letter dated 11-6-82 of the Mines Department and thereby no relationship of employer and employees exist between the management and the concerned workmen and they are not entitled to get any relief as prayed for.

10. Actually 16 to 20 workmen on an average per day used to work in the pit who falls within

the category of seasonal work of the seasonal mine and there are nothing but 14 labourers coming from the closed villages and they are employed as casual workers though their main livelihood comes from agricultural and domestic work and other work. It is absurd to employ 319 workmen in the single pit of small mines of 150' x 25' at any point of time and thereby an imaginary fact to retrench so many persons on the date as stated earlier.

11. In support of their respective cases both the parties have adduced their oral evidence and from the side of the management Form B, Form E, Form D and Form III registers have been produced. I have also perused the report of the ALC(C) from the proceeding record of the ALC(C) and I find discrepancy about the names and numbers of the workmen. At the time of evidence many things were challenged and urged but at the time of argument one point is agreed upon by both the parties that the mine in question is inoperative for a long term.

12. In view of such circumstances Mr. Bose representing the workmen concerned submits that at the present moment obviously he does not press for reinstatement when the mine is not in operation but he insists upon facts that the workmen who have been able to make this reference and whose names are in the annexe and who are alive should be given opportunity for absorption and working therein in terms and conditions of being regularised as and when the mine will start functioning.

13. Mr. Joshi, learned Advocate for the management agreed to this position but he discarded the number of the workers as stated therein in view of the nature of the mine.

14. The area of the mine is not disputed and it is also not disputed that the workers are needed to perform the work and Mr. Joshi has frankly submitted that a direction may be given to absorb the persons who are working there amongst the list annexed as annexure as and when the mine will start operating.

15. It is needless to say under the present condition there is no scope of giving any direction to absorb the persons for working in the said mine which is not functioning but on agreement of both the parties through their respective representative and applying my judicial mind it may be directed that the present management or their successors under any manner would absorb the workers as per their need under proper identification considering the seniority in consulting with the sponsoring union fighting for the concerned workmen as and when the mine in question will start operating otherwise law will take its own course and the concerned workmen will be able to set the law in motion for proper redress for disobedience of the award as per law.

16. Accordingly it is held that before closure of the mine the stopping of work in the form of retrenchment of the concerned workmen working therein was unjustified and illegal as there was relationship of employer and employee and that was in violation of the I.D. Act and the management including their successor or assigners would

proceed in accordance with the Award in the light of the observation and direction made in the body of the Award. Thus the reference is disposed off.

This is my Award.

D. K. NAYAK, Presiding Officer

From Sua Iron Ore Mines of M/s. Kumar Brothers, Proprietor Sri G.P. Singh, Jagatpuri, Daltonganj, Palamau.

Sl. No.	Names	Father/Husband's Name	Age	Village	Post	Years
1	2	3	4	5	6	7
1.	Abdul Rahim Mian	Samti Mian	21	Sahadewa	Pandeypora	5
2.	Kurban Mian	Samtaji Mian	21	"	"	3
3.	Shafi Alam Mian	Samtaji Mian	26	"	"	5
4.	Shahidul Ansari	Tahir Hussain	27	Sikri	Kazimkri	3
5.	Hakim Ansari	"	21	"	"	1
6.	Guyasuddin Mian	Isaphil Mian	22	"	"	2
7.	Idris Mian	Zahur Mian	22	"	"	1
8.	Md. Hanif Mian	Noor Mohd. Mian	21	"	"	1
9.	Jamshed Mian	Mohd. Alim Mian	26	"	"	1
10.	Sua Ram Mahto	Raghu Mahto	26	Sahdeva	Pandeypora	2
11.	Mohan Thakur	Ram Das Thakur	26	Ranji Kala	Kala	1
12.	Allaaddin Mian	Hanif Mian	25	Sikri	Pakri	5
13.	Islam Mian	Nizamuddin Mian	22	"	"	3
14.	Shahbuddin Mian	Md. Jan Mian	23	"	"	2
15.	Mokhtar Mian	Hanif Mian	22	"	"	1
16.	Indrajit Mahto	Suraj Mahto	22	"	"	2
17.	Hirahand Mahto	"	24	"	"	2
18.	Ahmad Hussain Mian	Hayat Ali Mian	24	"	"	2
19.	Md. Ali Mian	Jasim Mian	22	"	"	1
20.	Aslam Mian	(brahim Mian	23	Karma	Satbarwa	2
21.	Ahmad Ala Ansari	Taj Mohammad	25	Sikri	Pakri	2
22.	Jabbar Mian	Murruza Mian	24	"	"	2
23.	Kaddus Mian	-do-	32	"	"	5
24.	Md. Hussain Mian	Abdul Haque Mian	22	"	"	1
25.	Kali Mahto	Bansi Mahto	25	Dhangai	Pandeypora	1
26.	Mokhtar Mian	Shahfuddin Mian	23	Sahdeva	"	2
27.	Rahman Mian	Siddique Mian	23	"	"	1
28.	Akhari Bibi	Zahiruddin Mian	23	"	"	1
29.	Ganga Sagar Ram	Tahlo Ram	27	Hutar	Champur	
30.	Shamsuddin	Abdul Mian	22	Juru	Basaura	1
31.	Dayanand Singh	Bihari Singh	25	Kanda	Chatterpur	2
32.	Pohola Sao	Ganem Sao	28	Aschar	Asehar	1
33.	Mehboob Ansari	Jasmuddin Ansari	27	Sikri	Kaji Pakri	1
34.	Suresh Nonia	Nanhu Nonia	26	Kurar	Patan	1
35.	Harihar Giri	Gyani Giri	28	Juru	Basaura	1
36.	Prabhu Pal	Hardeo Pal	27	Kurar	Patan	1
37.	Suresh Nonia	Kailash Nonia	28	"	"	1
38.	Jamuna Ram	Marachhu Ram	27	"	"	1
39.	Mahendra Ram	Bhikhu Ram	28	"	"	1
40.	Md. Saban	Mustakim Ansari	20	Loinga	"	1
41.	Kameshwar Saw	Jagdeo Sao	25	Asehar	Asehar	1
42.	Abdul Hakim Mian	Eal Mohd. Mian	23	"	"	1
43.	Ram Jatan Sao	Dahat Sao	24	"	"	1
44.	Lalmuni Sao	Brich Sao	25	"	"	1
45.	Shamsuddin Ansari	Mustakim Ansari	28	Loinga	Patan	1
46.	Sukhlal Pd.	Sri Thakur Sao	28	Arka	Kaji Pakri	2
47.	Suresh Ram	Dukhu Ram	27	Juru	Basaura	1
48.	Saheb Sao	Ram Prit Sao	27	Kundri	Kundri	2

1	2	3	4	5	6	
49.	Sarauli Thakur	Kanhai Thakur	22	Juru	Basaura	1
50.	Gyani Prajapati	Bilos Prajapati	26	Pokhraha	Rajwadih	2
51.	Gumani Prajapati	Bilos Prajapati	24	"	"	1
52.	Reet Prajapati	"	23	"	"	1
53.	Ouddus Mian	Hanif Mian	22	Asehar	Asehar	1
54.	Abhay Kumar	Laxman Prajapati	26	"	"	1
55.	Taramani Singh	Brijhan Singh	22	Juru	Basaura	1
56.	Girija Prajapati	Sheodutta Prajapati	30	Pokhraha	Rajwadih	1
57.	Baleshwar Prajapati	Doman Prajapati	27	"	"	2
58.	Brijhan Singh	Deodhari Singh	35	Juru	Basaura	10
59.	Rajdeo Ram	Deni Ram	35	Shole	Pandeputa	1
60.	Prahlad Singh	Lalji Singh	23	Juru	Basaura	1
61.	Namodin Mian	Jasim Mian	22	"	"	1
62.	Sita Ram Mahto	Doman Mahto	25	"	"	1
63.	Jagdish Ram	Bideshi Ram	22	"	"	1
64.	Ganesh Kumar Pal	Late Muni Mahto	26	Pokhraha	Rajwadih	2
65.	Sanjay Prajapati	Sashideo Prajapati	26	"	"	1
66.	Surendra Prajapati	Mohan Prajapati	28	"	"	1
67.	Kameshwar Pal	Doman Pal	27	"	"	1
68.	Brijbihari Mahto	Nageshwar Mahto	23	Baurakhar	Phulang	1
69.	Railque Mian	Hussaini Mian	25	Asehar	Asehar	10
70.	Sita Ram Mahto	Nageshwar Mahto	22	Baurakhar	Phulang	1
71.	Rani Naresh Sharma	Kanhai Sharma	24	"	"	1
72.	Baparsi Ram	Brich Ram	28	Juru	Basaura	1
73.	Raj Kumar Prajapati	Mahesh Prajapati	28	Pokhraha	Rajwadih	1
74.	Krishna Singh	Sukhi Singh	22	"	"	1
75.	Abdulla Mian	Shobhrai Mian	24	Pakhatmar	Paton	1
76.	Bhojan Singh	Kewal Singh	25	Juru	Basaura	10
77.	Binod Prajapati	Dileshwar Prajapati	29	Pokhraha	Rajwadih	1
78.	Raj Kumar Mahto	Rajnath Mahto	24	Jamune	Rajwadih	1
79.	Rajeshwar Thakur	Kulu Thakur	28	Juru	Basaura	10
80.	Raj Mohan Singh	Deodhari Singh	37	"	"	10
81.	Surajdeo Singh	Ganauri Singh	27	Khajuri	Dipaawa	1
82.	Banarsi Mahto	Dwarika Mahto	25	Baura	Khar-Phulang	1
83.	Gobind Mahto	-do-	24	"	"	1
84.	Talo Mahto	Sera Mahto	24	"	"	1
85.	Bachu Mahto	Dwarika Mahto	25	"	"	1
86.	Ram Payari Mahto	Ram Bhajan Mahto	26	"	"	1
87.	Puran Ram	Baljit Ram	23	Juru	Basaura	1
88.	Sheo Kumar Prajapati	Jagranath Prajapati	27	Pokhraha	Rajwadih	1
89.	Jagdhari Mahto	Doman Mahto	22	Juru	Basaura	1
90.	Kameshwar Singh	Banwari Singh	25	Sonpura	Sonpura	1
91.	Somnath Sao	Manji Sao	22	"	"	1
92.	Paramdeo Singh	Kanhai Singh	24	"	"	1
93.	Satendra Singh	Ramkeshwar Singh	21	"	"	1
94.	Hussain Mian	Gafoor Mian	22	Sikni	Sikni	1
95.	Ram Lakhan Pd.	Sri Chandu Pd.	28	Pokhraha R	Rajwadih	1
96.	Bindesher Sao	Budhan Sao	28	Asehar	Asehar	1
97.	Chandesher Sao	"	30	"	"	1
98.	Bhoji Sao	Ganesh Sao	26	"	"	1
99.	Brich Mistry	Khedu Mistry	29	"	"	1
100.	Bishundeo Mahto	Rameshwar Mahto	22	Jamune	Rajwadih	1
101.	Habib Mian	Samdul Mian	24	Asehar	Asehar	1
102.	Satya Narayan Ram	Dasrath Ram	22	Juru	Basaura	1
103.	Shyam Bihari Mistry	Sheo Kumar Mistry	30	Asehar	Asehar	1
104.	Imaman Mian	Shakur Mian	22	Bohita	Satbarwa	1
105.	Azim Ansari	Subhan Ansari	29	Tatidiri	Nuru	1
106.	Raja Ahmad	Ramzan Mian	28	Kundri	Kundri	2
107.	Jugal Kishore Singh	Surajdeo Singh	24	Baura	Khar-Phulang	1
108.	Ramnath Singh	Deonandan Singh	25	"	"	1
109.	Jaleel Ansari	Subhan Mian	27	Tati Diri	Nuru	1
110.	Shamsuddin Mian	Abdul Mian	22	Karma	Satbara	1
111.	Bachu Mahto	Chamru Mahto	24	Asehar	Asehar	1
112.	Tazmul Hussain	Shahid Mian	26	Shole	Pandeputa	1

1	2	3	4	5	6	7
113.	Satis Kumar Dubey	Dharmdeo Dubey	27	Ushra	Yuri	1
114.	Muneshwar Singh	Sanjiwan Singh	26	"	"	1
115.	Anjani Pd. Sao	Dindyal Sao	24	Sarauna	Tetra	1
116.	Tulsi Choudhry	Ram Deni Choudhry	25	Sua	Sua	5
117.	Bihari Singh	Kail Singh	25	"	"	5
118.	Bhukhan Maho	Mahavir Maho	25	"	"	5
119.	Nankhu Choudhry	Ramdeni Choudhry	26	"	"	5
120.	Ganauri Choudhry	Ram Bich Choudhry	22	"	"	5
121.	Udeshwar Ram	Brich Ram	22	Ithe	Basaura	2
122.	Bijay Kumar Singh	Kedar Singh	24	"	"	2
123.	Shrawan Kumar Singh	Khirodh Singh	22	"	"	2
124.	Prasidh Singh	Keshwar Singh	25	Sua	Sua	5
125.	Ganesh Singh	Prasidh Singh	19	"	"	1
126.	Shamsuddin Mian	Bifan Mian	26	Sikni	Pakri	1
127.	Surendra Singh	Ram Janam Singh	26	Kundelwa	Iesliganj	1
128.	Muni Singh	Khirodh Singh	25	Siki	Siki	4
129.	Dasrath Singh	Pheli Singh	22	"	"	2
130.	Jhari Singh	"	24	"	"	2
131.	Meghm Singh	Gursahaj Singh	30	"	"	10
132.	Jamna Oraon	Tallu Oraon	27	Kundelwa Iesliganj	Iesliganj	2
133.	Arjun Yadav	Banwari Yadav	22	Siki	Siki	2
134.	Bijoy Singh	Phanu Singh	22	"	"	2
135.	Deoraj Rani	Brich Ram	22	Sonesarai	Basaura	2
136.	Brijdeo Oraon	Sahdeo Oraon	28	Kondelwa	Iesliganj	2
137.	Dhameshwar Singh	Rangi Singh	24	Sua	Sua	4
138.	Sudesh Singh	Kripa Singh	26	Sikki	Sikki	2
139.	Timali Singh	Niradh Singh	22	"	"	2
140.	Bisu Singh	Gursabai Singh	26	Sua	Sua	4
141.	Dhameshwar Ram	Jagrit Ram	27	"	"	4
142.	Azim Ansari	Subhan Miya	26	Pokhraha	Rajwadih	2
143.	Anjani Pd. Sao	Dindyal Sao	28	Saronna	Tenai	2
144.	Jalaluddin Ansari	Rahamtulla Ansari	28	Loingal	Paton	1
145.	Nesar Ahmad	Mobarak Hussain	30	Ramsagar	Phulang	1
146.	Rajasa Hussain	Md. Mohiuddin	29	Sagaldjha	Paruki	2
147.	Mohar Singh	Bidesi Singh	32	Nawadih	Kake-kala	1
148.	Brj Kishore Singh	Butaj Singh	24	Meral	Siki	2
149.	Sarju Singh	Rajmunj Singh	22	"	"	2
150.	Nand Keshwar Singh	Nirad Singh	26	"	"	2
151.	Mahendra Singh	Dhun Singh	22	"	"	2
152.	Prayag Singh	Desi Singh	33	Nawadih	Kake-kala	1
153.	Ram Bhaat Singh	Dharmaraj Singh	22	Siki	Siki	2
154.	Rajendra Singh	"	24	"	"	4
155.	Surendra Singh	"	23	"	"	2
156.	Chandrika Singh	"	21	"	"	2
157.	Jalleshwar Singh	Kail Singh	22	"	"	2
158.	Rajesh Choudhry	Ram Kisun Choudhry	22	"	"	2
159.	Renjku Singh	Ramdeo Singh	25	Marhi	Chainpur	5
160.	Dhyan Singh	Sheonath Singh	40	Sua	Sua	15
161.	Dwarika Singh	Mahavir Singh	40	"	"	15
162.	Raj Kumar Singh	Jallo Singh	23	"	"	10
163.	Sona Singh	Nankhu Singh	28	"	"	7
164.	Munarik Singh	Maheshwar Singh	30	"	"	7
165.	Bhoja Singh	Mathura Singh	35	"	"	15
166.	Kameshwar Kumar	Bhoja Singh	30	"	"	12
167.	Suniltri Devi	Chandragupta Singh	22	"	"	2
168.	Balram Singh	Nepal Singh	35	"	"	12
169.	Baldeo Singh	Aliyar Singh	32	"	"	13
170.	Sugrim Singh	Jaggu Singh	32	"	"	2
171.	Md. Arif	Md. Yusuf	26	Shahpur	Shahpur	1
172.	Lalla Oraon	Satayst Oraon	28	Kundelwa	Polpol	2
173.	Jalleshwar Kumar	Bindeshri Ram	4	Asehar	Asehar	1
174.	Jamuna Singh	Sundar Singh		Sua	Sua	8

1	2	3	4	5	6	7
175.	Birendra Sao	Munsi Sao	26	Sagalim		1
176.	Munesh Singh	Sukhi Singh	32	Sua	Sua	4
177.	Girdhari Singh	Fakira Singh	23	"	"	3
178.	Nand Kumar Singh	Tipu Singh	23	"	"	3
179.	Bira Singh	Keshwar Singh	24	"	"	8
180.	Lallo Sao	Chathu Sao	32	Chaura	Lesliganj	2
181.	Sewak Sao	Kalpu Sao	26	Rajpur	Fulang	2
182.	Sudeshwar Mistry	Jago Mistry	30	"	"	10
183.	Rajendra Singh	Ram Lagan Singh	28	Charterpur	Chatarpur	8
184.	Muneshwar Singh	Bachan Singh	30	"	"	9
185.	Deobans Singh	Pran Singh	21	Sua	Sua	2
186.	Dasrath Sao	Kishun Sao	28	Mutpurhi	Pakri	1
187.	Ram Chandra Sao	Ram Kishun Sao	26	"	"	2
188.	Mustaq Ansari	Subhan Mian	30	Jhabar	Jhabar	2
189.	Kunj Bihari Singh	Ramdeo Singh	22	Sua	Sua	2
190.	Md. Zahir Hussain	Sh. Qurban Ali	26	Jhabar	Jhabar	1
191.	Belash Manjhi	Tapesher Manjhi	28	Sua	Sua	8
192.	Nandao Singh	Narayan Singh	25	"	"	5
193.	Dhanesher Kuar	Aliyar Singh	35	"	"	10
194.	Gyani Singh	Aliyar Singh	34	"	"	10
195.	Bramhdeo Singh	Paran Singh	30	"	"	10
196.	Rajdular Singh	Keshwar Singh	22	"	"	2
197.	Bhola Sao	Kanhaj Sao	29	Rajpur	Phulang	1
198.	Jugal Singh	Ramdhan Singh	22	Sua	Sua	4
199.	Arjun Singh	Mahadeo Singh	25	"	"	5
200.	Pukar Singh	Bilayti Singh	25	"	"	5
201.	Belash Singh	Saguni Singh	23	"	"	3
202.	Bindeshri Singh	Sardar Singh	28	"	"	8
203.	Tulsi Uraon	Nandu Uraon	29	Kundelwa	Polpol	2
204.	Tasu Singh	Suraj Singh	25	"	"	2
205.	Bijun Singh	Belash Singh	28	Marhi	Chando	7
206.	Chamro Singh	Mamesher Singh	28	Sua	Sua	8
207.	Sudesh Singh	Ramdhan Singh	28	"	"	8
208.	Jhari Singh	Hira Singh	40	"	"	15
209.	Jawahar Sao	Ganesh Sao	28	Rajpur	Fulang	1
210.	Sasiranjana Mishra	Prem Narayan Mishra	25	Lohra	Gari	1
211.	Kamlesher Singh	Jaga Singh	24	Sua	Sua	4
212.	Sanjay Kumar	Ramdas Mahto	28	Damdih		2
213.	Om Pratap Singh	Kunj Bihari Singh	30	Nawa		1
214.	Babu Lal Singh	Dhyan Singh	22	Sua	Sua	2
215.	Ajmer Mian	Nathun Mian	29	Asehar	Asehar	2
216.	Lakhan Singh	Sedu Singh	26	Asehar	Asehar	2
217.	Harihar Singh	Rajkumar Singh	20	Sua	Sua	2
218.	Alim Ansari	Ashique Mian	28	Kundri	Kundri	1
219.	Mahendra Sao	Ram Keshwar Sao	30	Selari		1
220.	Abdul Qayum Ansari	Alim Mian	26	Sole	Paton	1
221.	Hazrat Ansari	Gaffir Ansari	26	Sikni	Paton	1
222.	Raju Singh	Swarath Singh	35	Sua	Patan	10
223.	Janesher Mahto	Doman Mahto	28	Sikni	Patan	2
224.	Rakesh Kumar Mishra	Rajmani Mishra	26	Lohra	Gari	2
225.	Kawalldhar Singh	Keshwar Singh	30	"	"	
226.	Sita Ram Singh	Hira Singh	30	Sua	Sua	10
227.	Mahendra Singh	Jhari Singh	25	"	"	5
228.	Bindu Singh	Bhagwan Singh	22	Ithe	Pasaura	3
229.	Lallo Choudhry	Roopdewan Choudhry	20	Sua	Sua	2
230.	Fanesher Singh	Rindeshri Singh	21	Ithe	Pasaura	2
231.	Sita Ram	Ramjatan Ram	23	Sua	Sua	2
232.	Janesher Ram	Ramjatan Ram	20	"	"	2
233.	Suneshwar Ram	Dukhi Ram	21	"	"	2
234.	Belash Ram	Triloki Ram	25	"	"	3
235.	Somaru Ram	Tirloki Ram	35	"	"	5
236.	Harihar Ram	Bhagar Ram	20	"	"	2
237.	Fufail Ahmad	Israfil Mian	20	Sikni	Paton	2
238.	Dilip Singh	Ram Janam Singh	22	Kundelwa	Chiyanki	2

1	2	3	4	5	6	7
239.	Jogan Ram	Sukan Ram	25	Shole	Paton	2
240.	Keshwar Choudhri	Ram Kishun Choudhry	22	Sua	Sua	2
241.	Daroga Singh	Lilesher Slagh	30	Sua	Sua	10
242.	Jagdishwar Singh	Nandlal Singh	25	"	"	4
243.	Ajit Kumar Mishra	Deobansh Mishra	26	Johra	Gari	2
244.	Sita Ram Singh	Jogi Singh	26	"	"	5
245.	Prabha Kuar	Bhagesher Singh	26	"	"	6
246.	Kauser Ansari	Anwar Ansari	26	Taria	"	2
247.	Gayasuddin Mian	Tazmul Mian	26	Sole	Paton	1
248.	Nasiruddin Mian	Nabijan Mian	26	Asehar	Asehar	1
249.	Sudeshwar Mistri	Banwari Mistry	28	Dhawadih	"	1
250.	Rajendra Mahto	Mahavir Mahto	29	Tarhasi	"	1
251.	Jagdeo Mahto	Faudari Mahto	26	Parswan	"	1
252.	Lallan Mahto	Ramjit Mahto	26	Panki	"	1
253.	Ashok Kumar	Dhanusdeo Singh	26	Manatu	"	2
254.	Chathaw Ram	Nanku Ram	26	Obra	Rarnag	"
255.	Arwind Sao	Harihar Sao	27	Asehar	Phulang	22
256.	Narayan Thakur	Ragho Thakur	25	Nawa	Nawa	1
257.	Jadunath Sao	Chaudhry Sao	26	Asehar	Asehar	1
258.	Kamesher Manjhi	Chandrika Manjhi	26	Tatia	"	1
259.	Nain Singh	Bramhdeo Singh	24	Marla	Lesliganj	1
260.	Phulesher Singh	Kalhat Singh	23	Meral	Siki	1
261.	Jogendra Singh	Ramdharl Singh	30	Sua	Sua	8
262.	Damodar Singh	Bhaglo Singh	21	Sua	Sua	3
263.	Md. Asaf	Md. Yusuf	24	Shahpur	Shahpur	1
264.	Sugiya Devi	Jamuna Singh	22	Sua	Sua	2
265.	Bimla Devi	Hardewan Singh	23	"	"	2
266.	Subachni Devi	Lallo Singh	22	"	"	2
267.	Kamla Devi	Baiju Singh	24	"	"	3
268.	Mitar Singh	Kall Singh	26	"	"	1
269.	Jadunath Singh	Ramawtar Singh	22	Ithe	Basaura	1
270.	Sunar Singh	Bhagwati Singh	24	"	"	1
271.	Shankh Nath Singh	Mohan Singh	24	Jure	"	2
272.	Sharfuddin Mian	Alijan Mian	30	Sahdewa	Pandepura	3
273.	Abdul Majid Mian	Jaypuri Mian	28	"	"	2
274.	Qamruddin Mian	Abdul Hakim Mian	26	Sudna	Daltonganj	2
275.	Kamesh Mahto	Chanarik Mahto	25	Dhangain	Pandepura	2
276.	Md. Hakim	Jasmuddin Mian	25	Bohita	Dhawadih	2
277.	Lallo Mahto	Guneshar Mahto	28	"	"	2
278.	Aklo Mian	Bahadur Mian	30	Ramgarh	Ramgarh	2
279.	Balgobind Ram	Budhan Ram	30	Purbdiha	Chainpur	1
280.	Shyam Bihari Ram	Ram Pyari Ram	25	Shole	Kanke Kala	2
281.	Jagarnath Manjhi	Ramjit Manjhi	26	"	"	1
282.	Awadh Bihari Singh	Bindesher Singh	26	Baurakhar	Phulang	2
283.	Anil Kumar Singh	Jugesher Singh	27	Taria	Tarhasi	2
284.	Keshwar Ram	Sukan Ram	25	Shole	Kanke-Kala	1
285.	Nezamuddin Mian	Nawab Mian	30	Ithe	"	1
286.	Horil Mahto	Guneshar Mahto	28	Parasia	"	2
287.	Raghubar Mahto	Chamru Mahto	28	Asehar	Phulang	2
288.	Jitu Singh	Naga Singh	25	Banai	Aschar	2
289.	Krishna Mahto	Nandeo Mahto	28	Kasmar	Manatu	2
290.	Manjul Mian	Abdul Rauf Mian	22	Tarhasi	Tarhasi	2
291.	Jodha Mahto	Raman Mahto	24	Bhari	Sagalim	1
292.	Jadu Mahto	Sohrai Mahto	25	Nawadih	Kake	2
293.	Binod Thakur	Mahabir Thakur	22	Banua	Sangbar	1
294.	Diljan Mian	Ali Hussain Mian	30	Juru	Basaura	2
295.	Surendra Mahto	Mahavir Mahto	27	Bhalugari	Tahasi	2
296.	Maimul Mian	Mehboob Mian	28	Ithe	Kanke	2
297.	Dineshwar Singh	Ram Kishun Singh	28	Lupua	Ambabar	1
298.	Suresh Ram	Dukhu Ram	25	Juru	Basaura	1
299.	Ramesh Singh	Jagdish Singh	21	Pataria	Katual	2
300.	Janeshwar Singh	Sahdeo Singh	28	Siki	Siki	1
301.	Sheo Nath Mahto	Mahesh Mahto	25	Banua	Sangbar	1
302.	Baij Nath Singh	Kanhai Singh	27	Tillo	Padma	1
303.	Bigan Sao	Mudi Sao	25	Aschar	Asehar	2
304.	Banarsi Sao	Sikan Sao	26	Nawagarh	Panki	2

1	2	3	4	5	6	7
305.	Jilani Mian	Abdul Gani	27	Tarhasi	Tarhasi	2
306.	Sanjay Kumar Mishra	Murli Mishra	25	Lohra	Gari	1
307.	Suresh Singh	Ram Patu Singh	26	Baurakhar	Fulang	2
308.	Baudh Ram	Dehru Ram	26	Juru	Basaura	1
309.	Suresh Mistry	Ganauri Mistry	26	Padma	Padma	2
310.	Mukhdco Singh	Kameshwar Singh	30	Dundu	Baliani	1
311.	Ram Chandra Sao	Brich Sao	28	Asehar	Asehar	1
312.	Budhan Sao	Brich Sao	26	"	"	1
313.	Suresh Sao	Brich Sao	24	"	"	1
314.	Dhaneshwar Singh	Ram Brich Singh	28	Asehar	Asehar	2
315.	Bikramaditya Mahto	Lalji Mahto	30	Darudih	Sangbar	2
316.	Sheo Singh	Deolal Singh	25	Sua	Sua	5
317.	Surujmal Singh	Ram Kishun Singh	32	Juroo	Basaura	2
318.	Lallo Mian	Baudh Mian	30	Juru	"	1
319.	Laxman Ram	Bideshi Ram	25	"	"	2

नई दिल्ली, 16 दिसम्बर, 1995

का. प्रा. 64.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रेसर्स केरल मिनेल्स एण्ड मेटल्स लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलाम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-1995 को प्राप्त हुआ था।

[संख्या एल.-29012/16/92-आई.आर. (विविध)]

बी. एम. डेविड, ईस्क अधिकारी

New Delhi, the 16th December, 1995

S.O. 64.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s Kerala Minerals and Metals Ltd. and their workmen, which has received by the Central Government on the 7-12-95.

[No. L-29012/16/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 18th day of November, 1995)
PRESENT :—

Sri C. N. Sasidharan Industrial Tribunal in
INDUSTRIAL DISPUTE NO. 37/93

BETWEEN :—

The Managing Director, Kerala Minerals and Metals Ltd., Chavara P.O., Sankaramangalam, Quilon District.

(By M/s. Menon & Menon Advocate, Kochi)

AND

Sri. V. Raghavan Nair, Mangalathu Veedu, Pattathanam, Kollam.

The issue referred for adjudication by the Government of India as per order No. L-29012/16/92-IR(Misc) dated 19-10-1993 is the following :—

“Whether the action on the part of the management of Kerala Minerals and Metals Ltd., Chavara in dismissing the services of Shri. V. Raghavan Nair, Electrician with effect from 18-7-1991 is legal and justifiable ? If not, to what relief the workman is entitled ?”

II. Sri. V. Raghavan Nair, the workman in this case was dismissed by the management accepting the findings of guilt rendered by an enquiry officer who conducted two domestic enquiries regarding 3 charges raised against the workman. The management in their written statement justifies their action while the workman contended that he is innocent and claims reinstatement. According to him the domestic enquiries were not proper and valid.

III. In view of the rival contentions regarding the validity of domestic enquiries that point was considered as a preliminary issue. This Tribunal by order dated 17-11-1995 held that the enquiries were properly conducted and the findings are correct. In order to understand the necessary facts I am extracting below that order in full :—

ORDER

This reference concerns the dismissal of Sri. E. Raghavan Nair with effect from 18-7-1991 by the management of Kerala Minerals and Metals Ltd.

2. Before initiating disciplinary proceedings against the workman Sri. Raghavan Nair the management has issued two charge memos dated

7-6-1989. The charges as per charge memo No. MS[PD]PF-S[156]89/471 (No. 471 for short) are as below : charge memo No. 471 :—

1. "That you have not been marking attendance in the attendance register kept in the workshop viz. Electrical workshop, and you were found absent from your work place during working hours without permission during the periods from 22-2-1989 to 1-3-1989 and from 6-3-1989 to 15-3-1989.

2. That you have absented yourself from work without leave continuously, since 16-3-1989. While in terms of standing order No. 10(2) a workman's services are regarded automatically terminated on his being absent without leave continuously for four days, for leave on 29-3-1989 and submitted an application dated 16-3-1989 and leave on 16-3-1989 and 30-3-1989 along with Medical Certificate dated 22-3-1989 and you have since 1-4-1989 been forcibly making your attendance in the Attendance Register kept in the Electrical workshop".

The charge as per memo No. MS[PD]PF-S[156]89/472 (No. 472 for short) is as below :

"It has been reported against you that at about 12.15 hours on 3rd June, 1989, when Sri. V. L. Kurian, works manager, M.S. Unit came down from his office to the ground floor of the office building of the M.S. Unit, you came out of the office room in the ground floor in an angry mood, he was asked you about the problem, you have without any provocation from him hit him with your hand".

3. The explanation submitted by the workman was not found satisfactory to the management. Therefore the management ordered domestic enquiry and appointed Sri. Purushothaman Nair as the enquiry officer. The enquiry officer conducted two separate domestic enquiries and found the workman guilty of the charges. Accepting the findings of the enquiry officer the management inflicted the punishment of dismissal.

4. The workman in the statement filed before this Tribunal has advanced his contentions which are briefly as below : The management company did not pay him salary continuously for some time without any reason. Though he complained in writing there was no reply. The workman then made complaint to the works manager and he replied that salary will be paid after settling the strike. The permanent employees including the workman had no strike. Outside persons who were alternately employed resorted to strike. The charge memos issued for wrecking personal vengeance of works manager against the workman who is the works committee secretary of employees. He attended the enquiry whenever he was informed by the enquiry officer. The enquiry

Officer in collusion with the presenting officer and also the management failed to record all the things stated by the workman and also failed to call for some documents requested by the workman. The management with their influence tried to fabricate evidence which would have been available to the workman. The management also tried to influence the witnesses and is wreaking vengeance for trade union activities of the workman. The management did not produce some relevant registers requested by the workman. The enquiry officer excluded the workman and his witnesses. The management purposely did not pay him salary and he has never behaved against the instructions of higher officers. The works manager, the charageman and the Assistant plant engineer never issued memo to the workman informing that he worked against the interest of the company. The works manager misunderstood that the workman was behind the strike of daily wage and contract employees. The workman pleaded in a meeting for regularising such employees which was not liked by the works manager. The present action is to wreck vengeance by the works manager for the above. The workman has never done anything against the interest of the company and company rules. The security guards had not taken the workman into custody which shows that he has not beaten the works manager. The works manager and some others in the company are behind issuing the charge memos to the workman and for subsequent actions. The employees who colluded with the works manager were granted personal benefits. The action of management is a clear case of political vengeance against the workman. According to him he has not done anything the charge memos and the enquiry and the findings are against facts and as a result of fabricated evidence.

5. The contentions of management are briefly as under : The workman was a technician (electrician) Gr. III under the management. He was served with two charge memos and the explanation submitted by him were not satisfactory. The management accordingly ordered domestic enquiry. The enquiry officer conducted the enquiry in accordance with the principles of natural justice. On the first date of enquiry as per charge sheet No. 471 was on 22-9-1989 and since the workman wanted to study the documents relied on by the management, the enquiry was adjourned to 6-10-1989. The workman and his representative refused to sign the enquiry proceedings on the plea that the enquiry Officer should inform him the next posting date by separate communication. Therefore separate communication was issued. On 6-10-1989 the first witness of management was examined and on the request of the workman the enquiry was adjourned on 1.30 p.m. to be resumed after 3.30 p.m. But the workman disagreed stating that he was not prepared to sit for the whole day and he cannot afford to eat, from the hotel. The enquiry was

therefore decided to continue on the following day at 10 A.M. The workman again insisted for communication regarding the posting and left the place with his co-worker. On 7-10-1989 neither the workman nor his co-worker turned up in the enquiry. No adjournment was also sought. Therefore the enquiry officer had no other alternative except to proceed with the enquiry declaring the workman ex-parte. Three witnesses were examined on the side of management and Exts. ME 1 to ME 27 were marked. The enquiry officer after appreciating the oral and documentary evidence came to the conclusion that the charges levelled against the workman by the above charge memo are proved. The charges proved against the workman constitute acts of misconduct under sub clause (a) (b) (f) of clause (3) of standing order No. 14 of the certified standing orders of the management.

6. In the enquiry conducted into the charges as per charge memo No. 472 also the workman though initially participated subsequently had withdrawn without any valid reason. On the first date of enquiry viz. 25-7-1989 he did not turn up though he was informed the date by registered notice. In order to give one more opportunity the enquiry was adjourned to 4-8-1989 and communication was issued under registered post with A.D. The workman and his co-worker accordingly attended the enquiry on 4-8-1989. But they refused to sign the proceedings except one page on the plea that the enquiry Officer has not properly recorded what the workman has said. That was not correct. The workman raise a new demand that he would be permitted to appear in the enquiry through an Advocate. The management have subsequently allowed that request. But the workman has taken a cantankerous stand by maintaining that the management should meet the expenses for engaging the Advocate to represent him which the management cannot grant. The enquiry was posted to 28-8-1989 informing the workman as per memo. A telegram was also sent to the workman in this regard. Though the workman was present on that day he has requested for time for representing the management for getting expenses of the Advocate for him. On that day also the workman refused to sign the enquiry proceedings. The enquiry Officer informed that enquiry can be continued on the next day and the workman insisted written communication. In view of the unreasonable stand taken by the workman the enquiry officer has adjourned the enquiry to 6-9-1989 and communication was sent to the workman under registered post followed by a telegram. The workman did not turn up for the enquiry on 6-9-1989 and no adjournment was also sought. However his Co-worker was present and submitted that he had come as per the instructions of the workman. The enquiry officer instead of proceeding with the enquiry again adjourned the en-

quiry to 7-9-1989 in order to give a final opportunity to the workman. Telegram was also sent to the workman. The co-worker was informed by the enquiry officer that if the workman did not turn up on 7-9-1989 the enquiry will be proceeded ex-parte. On 7-9-1989 also the workman remained absent. Though the co-worker of the workman was present and marked his attendance he refused to sign the enquiry proceedings. The co-worker subsequently boycotted the enquiry in spite of the best effort of the enquiry officer and presenting officer. Therefore the enquiry officer declared the workman ex-parte and continued the enquiry. On the side of the management MWs 1 to 5 were examined and document Nos. Exts. ME1 to ME9 were marked. The enquiry officer considering the evidence on record found the workman guilty of the charges and submitted the report. The charges proved against the workman are misconduct under clause (3)(2)(j) and (3)(r) of the standing order No. 14 of the management.

7. The further case of the management is that the workman was afforded adequate opportunity by the enquiry officer to participate in the enquiries and to defend this case. But the workman did not co-operate with the enquiry officer and he did not adduce any evidence or examine the witnesses of management. The Managing Director of the company after carefully going through the enquiry report and the records accepted the findings of the enquiry officer. The enquiry was conducted fully in compliance with principles of natural justice after affording sufficient opportunities to the workman. The documents mentioned in the claim statement of the workman were not at all necessary and connected with the charges. The management denies the allegations that the workman made request for production of any such documents. Such a request was made for the first time before this Tribunal. It is also stated that these documents were not relied upon by the management in the domestic enquiry in support of the charges levelled against the workman. The management has not denied the salary to the workman deliberately. As the charges levelled against the workman were very grave and serious in nature and there were no mitigating circumstances, the management ordered the punishment of dismissal. The management denies all other allegations made by the workman against the management and the enquiry.

8. The validity of the domestic enquiries was seriously challenged by the workman. Therefore that point was considered as a preliminary issue. The management wanted to examine the enquiry officer and the enquiry officer was present on 6-1-1995. But the workman moved a petition opposing engagement of counsel for management though the management engaged Advocate on the first postings of this case viz. 2-12-1993 and thereafter several adjournment were granted to

both sides till 6-1-1995. The management was represented by counsel on all the posting dates from 2-12-1993 to 6-1-1995. The workman never raised any objection regarding the engagement of counsel for management till that date. However this court considered the petition elaborately after hearing both sides and dismissed the same. Thereafter the enquiry officer expired and hence he could not be examined. On 11-8-1995 the workman agreed for marking the enquiry files without the examination of the enquiry officer and accordingly the enquiry files have been marked as Ext. M1 and M2. As agreed by the workman the case was posted for hearing on the validity of the enquiry to 31-8-1995. On that day there was no sitting and the case was posted to 29-9-1995. The management on that prayed for adjournment and it was adjourned to 13-9-1995. Till then the workman never requested for adducing any evidence. On 13-10-1995 when the management counsel started argument the workman wanted to examine the presenting officer of management in the enquiry. That was not allowed as it was not necessary in the light of the pleadings and also that he has never raised such a demand till then. The case was accordingly heard on the basis of Exts. M1 and M2 enquiry files.

9. The workman vehemently contended that he was not afforded sufficient opportunities to participate in the enquiries and to prove his case. According to him the enquiry officer and the management wanted to avoid him from the enquiry and to fabricate evidence against him. Therefore he was not given reasonable opportunity. The first posting of the enquiry regarding the charge as per charge memo No. 472 was on 25-7-1989 and the workman was given sufficient notice regarding the posting of the enquiry as per Ext. M1 enquiry file. But the workman was not present on that day and in order to give him another opportunity the enquiry was adjourned to 4-8-1989 and communication was addressed to the workman admittedly. The workman and his co-worker representing him attended the enquiry on 4-8-1989. But he refused to sign the enquiry proceedings except in one page. On that day the workman raised a new demand that he be permitted to appear in the enquiry through a legal practitioner. He was earlier permitted to be represented by a co-worker and the co-worker was present along with him. However the management allowed the request of the workman. Thereafter the workman raised another demand that the company should meet the expenses for engaging a legal practitioner to represent him. The management informed the workman that his request could not be considered. The enquiry was proposed to be held on 28-8-89 and a telegram was also sent to him. The workman was present on that day and he again requested for time to represent the management regarding the expenses of engaging a legal prac-

itioner. The enquiry officer proposed to continue the enquiry on the next day viz. 29-8-1989. But the workman insisted for a written communication regarding the posting of enquiry. Though the demand was unreasonable, the enquiry officer allowed that and adjourned the enquiry to 6-9-89 and also issued communication by registered post along with a telegram. But the workman did not turn up on 6-9-1989 nor did he seek any adjournment. However his co-worker was present and it is recorded by the enquiry officer that co-worker was present on instruction from the workman. The enquiry Officer again adjourned enquiry to 7-9-1989 to give a final opportunity to the workman and a telegram was also sent to the workman specifically stating that if he did not turn up the enquiry will be proceeded ex-parte. That was intimated to the co-worker as well. It is also stated in Ext. M1 that the co-worker telephoned the workman from the liaison officer of the management company regarding the posting of the enquiry. But the workman remained absent on 7-9-1989 also. But the co-worker was present and marked his attendance on page 12 of the enquiry proceedings. But he refused to sign the proceedings of the enquiry. Since the workman again remained absent, the enquiry officer had no other alternative except to proceed with the enquiry ex-parte. Issuance of notices and telegram regarding the posting dates of enquiry are evident from the postal acknowledgments, office copies of notices and telegrams including in Ext. M1 file. The above aspects are not controverted by the workman. It is thus clear that the enquiry officer has afforded sufficient and reasonable opportunities to the workman to participate in the enquiry and to establish his case. It is also clear that the workman has taken a recalcitrant and non-co-operative attitude.

10. The notice issued by the enquiry officer informing the first date of enquiry was returned unclaimed. The perusal of the endorsements on the returned envelope discloses that that envelope was taken to the residence of the workman four occasions and thereafter it was returned as unclaimed. The communication dated 4-8-1989 sent by registered post was endorsed by the workman only on 14-8-1989 though his residence is situated in the same postal zone. A communication dated 21-8-1989 of the enquiry officer was acknowledged only on 28-8-1989. Another communication of the enquiry officer dated 28-8-1989 sent from the Kollam Post Office is seen to have been acknowledged by the workman only for 13-9-1989. However since a telegram was also sent on 29-8-1989 regarding the posting of enquiry on 6-9-1989, he was made aware of the posting date. The communications and the aspects mentioned above also support the case of management regarding the delaying tactics of the workman.

11. The charge levelled against the workman as per charge Memo. No. 472 in brief is that the workman without any provocation hit the workman manager Sri Kurian on 3-9-1989 in the ground floor of the office building. The workman manager has given detailed evidence regarding the incident in the enquiry. The evidence of that witness was corroborated by four other witnesses. The enquiry officer has considered the evidence of five witnesses and the documents in detail. It may be remembered that the evidence tendered on the management side remained unchallenged. On a perusal of the findings of the enquiry officer along with the evidence of witnesses and documents it is abundantly clear that the enquiry officer considered all the aspects of the matter in detail and came to the conclusion that the workman is guilty of the charge. There are no reasons to hold that the findings of the enquiry officer are perverse.

12. I shall now pass on to the second enquiry covered by Ext. M2 enquiry file regarding charge Memo. No. 471. The first sitting of the enquiry was on 22-9-1989 and the workman participated in the enquiry. The enquiry was decided to be adjourned to 6-10-1989. But the workman refused to sign the proceedings of the enquiry on the plea that the enquiry officer should inform him of the date of next posting by separate communication. It is stated in page 3 of the enquiry findings that the enquiry officer and the presenting officer tried to impress upon the workman and his co-worker that a separate communication was not necessary and the procedure followed in all domestic enquiries is to record the date of subsequent posting in the proceeding dates. But the workman and his co-worker refused to budge and persisted in their unreasonable and illogical demand for a separate communication. The enquiry officer therefore felt that he had no alternative except to issue a separate communication and issued the same. On 6-10-1989 one witness on the side of the management side was examined and during the examination at about 1 O'clock the workman wanted to break the enquiry as he was hungry. Then the enquiry was stopped proposing to resume at 3.30 P.M. But the workman disagreed on the ground that he had not come prepared to sit all day that he could not afford to eat from the hotel that he was getting only suspension allowance and such other irrelevant objections. Accordingly the enquiry officer proposed to adjourn the enquiry to the next day. But the workman again insisted for written communication and left the enquiry proceedings. When the enquiry was resumed on 7-10-1989 at 10.55 A.M. neither the workman nor his co-worker turned up. No adjournment was also sought. In that circumstances the enquiry officer decided to proceed with the enquiry ex-parte. All the aspects stated above remains unchallenged

and uncontroverted. The unreasonable attitude of the workman insisting for written communication for the posting of the enquiry on the very next date was not allowed by the enquiry officer. There is nothing wrong in disallowing such unreasonable demand. The action of the enquiry officer in proceeding with enquiry is fully justified.

13. The charges covered by Ext. M2 enquiry file are briefly unauthorised absence without marking attendance and applying for leave during the period from 22-2-1989 to 1-5-1989 and 6-3-1989 to 15-3-1989 and forceably marking attendance in the attendance register since 1-4-1989. Altogether three witnesses were examined on the side of the management and Exts. ME1 to ME27 were marked. The Junior Engineer who was examined as MW1 in the enquiry was previously working in the electrical workshop as chageman. He has deposed regarding the procedure of attendance, marking attendance etc. This witness has given detailed evidence regarding the charges levelled against the workman. The evidence of this witness was corroborated by the Assistant Project Engineer (A.P.O.) and Time Keeper. The evidence of the management witnesses and the documents remained unchallenged. As stated earlier the workman did not participate in the enquiry. The elaborate discussion of evidence and other circumstances are stated from page 23 onwards of the findings of enquiry officer. Ext. ME8 and ME9 in the enquiry considered along with the attendance register prove subsequent marking of attendance. The Assistant Project Engineer has deposed about the marking of attendance by the workman above the absent marked by A.P.O. It is evident from the findings of the enquiry officer that he has considered the evidence of management witnesses and the documents in detail and found the workman guilty of the charges. On going through the deposition of the witnesses and the documents it is clear that the findings of the enquiry officer are fully correct and supported by legal evidence. In these circumstances I have no hesitation to hold that the findings of the enquiry officer are proper, valid and supported by evidence.

14. The workman has a contention that the workman manager in order to wreck vengeance against the workman due to his trade union activities has fabricated false charges against him in collusion with the witnesses examined in the enquiry. No evidence has been let in support of this argument. It is pertinent to note that the workman failed to effectively participate in the enquiry and to establish such a contention without any justifiable ground. He cannot now turn round and raise such contention. His further contention is that the enquiry officer is a neighbour and close friend of

the works-manager and the enquiry officer in order to help the works manager avoided the workman in the enquiry and manipulated evidence to support the charges. Such contention was seen never raised in the enquiry and there was no request of changing the enquiry officer of any point of time during the enquiry as per Ext. M1 and M2 files. No evidence has been adduced before this Tribunal to prove these aspects. So this contention can only be considered as an after thought. According to the workman the documents such as electrical worksrop work register, intent register, electrical workshop switch room works registers, power meter reading and signing book, works maintenance register for A.B. plant and mining note of memo register, medical register to M.S. plant requested by him were not produced in the enquiry and those documents if produced will fully negative the charges against him. There is no evidence in the enquiry that he has made such a request for production of documents in the enquiry. The enquiry officer has not relied on any such documents in the enquiry. The workman has moved a petition before this Tribunal for directing the management to produce such documents. This Tribunal considered that petition elaborately and dismissed the same. He has yet another contention that the witnesses in the enquiry were given undue promotion and other benefits at the instance of the works manager for colluding with him. There is no evidence before this Tribunal to accept the contention of the workman. He has no case that the witnesses in the enquiry have any personal vengeance against him. The allegation of personal vengeance of works manager mainly for the trade union activities of the workman is not at all established. Instead of participating in the enquiry and establishing his case the workman refused to participate in the enquiry though he was afforded adequate opportunities. The workman has raised a question as to why he was not taken in the custody by security guard and not entrusted him to police if he has actually assaulted the works manager. This circumstance according to him fully negatives the case of management and that allegation of assault is false. The chief security officer has also given detailed evidence in the enquiry regarding the instance. Charging of a criminal case by the police against the workman and taking him into custody by the security officer are not material factors to be considered by this Tribunal particularly when he has participated in the enquiry without any justifiable or convincing reasons.

15. The fairness of enquiry and complainance of the principles of natural justice held by me above are supported by the following decisions. The Supreme Court while considering a case between Lakshmi Devi Sugar Mills V. Ram Surup

and others (1957 I LLJ 17) observed thus at page 23 :—

“The next question that falls to be determined is whether the enquiry which was held by the management on 6 June 1952 was a fair enquiry and whether the general manager observed the principles of natural justice in the conduct of that enquiry. Due notice of the enquiry was given to the respondents by the letter of the management addressed to them on 2nd June 1952 and if the respondents did not avail themselves of the opportunity of presenting themselves and defending their action at the enquiry they had only themselves to blame for it. It was within the province of the management to hold such an enquiry after giving due notice thereof to the respondents and to come to its own conclusion as a result of such enquiry whether the respondents were guilty of the charges which had been levelled against them. If full and free opportunity was given to the respondents to present themselves at the enquiry and defend themselves. It could not be said that the enquiry was anything but fair. No principles of natural justice were violated and the management was at liberty to come to its own conclusions in regard to the culpability of the respondents and also to determine what punishment should be meted out to the respondents for the misconduct and insubordination proved against them.”

In *Brooks Bond India Ltd., V. Subba Raman* (1961 II LJ 417). One of the workman refused permission to be represented by an outsider at the domestic enquiry, he withdrawn from the enquiry, the enquiry was proceeded ex-parte and the workman was found guilty of the charges by the enquiry officer. The court held that in the circumstances the domestic enquiry could not be considered unfair. The High Court of Kerala in *Antony V. Appellate Authority* (1991 II KLT short notes-case No. 57) held thus :—

“It is mandatory for the Enquiry Officer to complete enquiry ex-parte. Action taken based on such ex-parte enquiry cannot be held to be vitiated, being violative of natural justice. If the workman given full opportunity to participate, but he failed and refused to participate, the resulting enquiry cannot be held vitiated. An ex-parte resulting enquiry cannot be held vitiated. An ex-parte enquiry is a valid enquiry.”

The decisions of the Supreme Court in *Eastern Electric Trading Company V. Baldev Lal* (1975 II LLJ 367) and the decision of the High Court of Kerala in *Cochin Shipyard Ltd., V. Labour Court, Ernakulam* (1989 LAB I.C. 2220) also support the view taken by me above.

16. In view of the above discussion I hold that the enquiries were conducted fully in compliance with principles of natural justice and the findings of the enquiry officer are proper, valid and supported by legal evidence.

IV. The questions now remaining for consideration are whether any interference is called for from this Tribunal with regard to the punishment of dismissal imposed by the management and whether the workman is entitled to any leniency.

V. As per the above order I have already held that the enquiries finding the workman guilty of the charges are proper and valid. According to the workman the management has victimised him for his trade union activities and also to wreck vengeance against him by the works manager that he is innocent that he has never been chargesheeted for any offence so far and that the present punishment is harsh and excessive even if the charges are proved. This argument is seriously opposed by the learned counsel for the management. The allegation of victimisation is not at all proved. As held by the Supreme Court in *Bharat Iron Works V. Bhagubhai* (1976 LAB I.C. 4) the onus of establishing a plea of victimisation will be upon the person pleading it and victimisation must be directly connected with the activities of the concerned employee inevitably leading to the penal action without the necessary proof of valid charge against him. In this case the allegation is not at all proved or established. There is no evidence of any kind of enmity as alleged by him by the works manager or any of the officials or employees of the management. Further, as held by the Supreme Court in the decision mentioned above a proved misconduct is antithesis of victimisation as understood in industrial relations. In view of the argument of the workman that this is a case of victimisation for his trade union activities is without force and only to be rejected.

VI. Now, the question is whether the punishment is harsh or excessive and whether the workman is entitled to any leniency. The charges proved against him are briefly assault of the superior officer, unauthorised absence without marking the attendance and applying for leave and subsequently marking the attendance register forcibly in the columns which were already marked absence by the concerned officer. No doubt

the charges regarding unauthorised absence, not marking attendance and marking attendance subsequently forcibly are not misconducts warranting maximum punishment of dismissal. But assaulting superior officer without any provocation inside the premises of the company during working time is definitely a serious misconduct and cannot be condoned or compromised with. If such employees are allowed to continue in the establishment that will definitely affect the discipline of the establishment. It was clearly proved in the enquiry that the workman assaulted the works manager. The seriousness and gravity of the misconduct warrant grave and maximum punishment. The action of the workman does not deserve any kind of leniency. The management has considered the seriousness of the misconduct and imposed the punishment. That cannot in any way said to be harsh or excessive. Considering the gravity of the misconduct and the other circumstances, I have no hesitation to hold that the action of management is fully justified and no interference is called for from this Tribunal.

VII. For taking the above view I seek support from the following decisions. The Supreme Court while considering the case between *Doom Dooma Tea Company V. Assam Chach Kartachari Sangs* (60 II LLJ 56) has held that assaulting a superior officer who used objectionable language in the course of conversation with the workman is a serious offence and no interference is called for in the punishment of dismissal of such a workman. The Supreme Court has pointed out that as held by that Court in the decision reported in 1958 I LLJ 260 Tribunal can interfere only in four classes of case viz.

1. When there has been a want of good faith.
2. When there is victimization or unfair labour practice.
3. When the management has been guilty of a basic error violation of a principle of natural justice and
4. When on the materials the finding is completely baseless or perverse.

In the present case none of the classes mentioned above are established warranting interference from this Tribunal in the matter of punishment. The court has further held that the awarding of proper punishment for misconduct under the standing orders is the function of management and unless there is valid justification the Tribunal should be slow to interfere with the exercise of that function. The High Court of Kerala in *BPL India Limited V. BPL and PSP Thozhilali union* (90 II KLT 14) has also considered the case of a workman assaulting superior

officer. The observation made by court in para 48 of the judgement are worthquoting as below:—

“Whatever be the grievance of the labour and, however vigorous be the ventilation of such grievances, there cannot be any doubt that assault and attack on the managerial personnel cannot be condoned or compromised with. While the management has to abandon arbitrary deais, the Labour has to eschew mischievous violence. Discipline in an establishment has to be preserved at all costs; almost like the apple of the eye. Violence, crude violence, directed against the top managerial personnel, would be the swan song of industrial peace. No worker, can embrace violence as a motto of grievance redressal. The tragedy gets aggravated when viewed in the background of a nation where non-violence was a well-canvassed creed. Philosophies apart, Rule of Law cannot tolerate a workman launching a physical attack, right in front of the factory gate, and on the top managerial personnel, when there was no provocation whatever from the side of the Management. May be, among the Managements, there are many who are unscrupulous. Such cases have to be dealt with differentially and separately. The present is not the one like that Industrial Tribunals should not develop cold feet, when they have to deal with hard cases, where the very structure, the morale and discipline of an industrial establishment are imperilled.

VIII. In the result, an award is passed holding that the action of management in dismissing workman Sri V. Raghavan Nair with effect from 18-7-1991 is legal and justified and hence he is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Documents marked on the side of the Management

- Ext. M1. Enquiry file containing findings of the enquiry officer, proceedings of the enquiry deposition of witness and documents regarding memo of charges No. MS|PD|PFS 156|89|472 dated 7-6-89.
- Ext. M2. Enquiry file instead of memo of charges No. MS|PD|PF-S|156|89|471 dated 7-6-1989 and containing findings of the enquiry officer, proceedings of the enquiry documents and deposition of witness.

नई दिल्ली, 18 दिसम्बर, 1995

का.आ. 65.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण, कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-95 को प्राप्त हुआ था।

[संख्या आ. 41012/101/89-1 आई आर बी-1]

पी० जे० माइकेल, डेस्क अधिकारी

New Delhi, the 18th December, 1995

S.O. 65.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Rly., and their workmen, which has received by the Central Government on the 18-12-95.

[No. L-41012/101/89-IRB-I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR, PANDU NAGAR, KANPUR

Industrial Dispute No. 201 of 1990
In the matter of dispute between :

General Secretary, Purvottar Railway
Shramik Sangh, 6 Navin Market,
Kaisarbag, Lucknow.

And

District Signal & Telecommunication Engineer (Open Line), Purvottar Railway, Lucknow.

AWARD

1. Central Government Ministry of Labour, New Delhi, vide its Notification No. L-41012/107/89.I.R.(DU) dated 18-9-90, has referred the following dispute for adjudication to this Tribunal :—

“Whether DSTE (Construction) N.E. Railway, Lucknow was justified in not regularising the services of Sri Raghav Ram as Hammerman w.e.f. 12-5-79 in terms of para 2512(ii) of Railway Establishment Manual ? If not, what relief the workman is entitled to ?

2. The case of the concerned workman Raghav Ram is that he was appointed as Khalasi on

8-1-76 under D.S.T.E. (Const) N.E. Railway. opposite party, Lucknow. Subsequently on 12-7-79 he was promoted to the post of Hammerman on which post he remained upto 30-1-88. The opposite party is not regularising him on the post of Hammerman with effect from the above date inspite of request, although juniors to him have been regularised.

3. Opposite party had filed written statement in which it is considered that the concerned workman was promoted on 12-7-79 temporarily as Hammerman. However, it is denied that he had worked upto 31-8-79. Instead he had worked in broken periods from 12-5-79 to 31-3-82 and 16-8-85 to 10-10-85 for short duration. Further, he was put to trade test for promotion in which he did not qualify. It is also denied that the juniors to the concerned workman have been regularised.

4. In support of his case the concerned workman has filed his affidavit. Lateron he absented himself and did not submit himself for cross examination. Hence his affidavit is to be ignored. In this way there does not remain any evidence to substantiate the claim of the concerned workman.

5. Hence, for want of proof my award is that the action of the opposite party in not regularising the concerned workman w.e.f. 12-5-79 is justified and as such the concerned workman is entitled for no relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 20 दिसम्बर, 1995

का.आ. 66.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिला नेल्लै-कट्टोवोम्पन के निरुनेलवेली तालुक में राजस्व ग्राम वेल्लालकुलम और अबिशेकपट्टी के अन्तर्गत आने वाले क्षेत्र”।

[संख्या : एम-38013/63/95-एम.एम.-1]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 20th December, 1995

S.O. 66.—In exercise of the powers conferred by sub-section(3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :

“Areas comprising the revenue villages of Vellalakulam and Abishekapatti in Tirunelveli Taluk of Nellai Kattabomman District.”

[No. S-38013/63/95-SSI.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 20 दिसम्बर, 1995

का.आ. 67.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-1-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिला तीचीरापल्ली के कुलीथालाई तालुक में राजस्व ग्राम मायानूर, मनवासी तथा बलराजापुरम के अन्तर्गत आने वाले क्षेत्र”।

[संख्या एस.-38013/64/95-एस. एस.-1]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 20th December, 1995

S.O. 67.—In exercise of the powers conferred by sub-section(3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the

said Act shall come into force in the following areas in the State of Tamil Nadu namely :

“Areas comprising the revenue Villages of Mayanur, Manavasi and Balarajapuram of Kulithalai Taluk in Trichirapalli District.”

[No. S-38013/64/95-SS.II]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 21 दिसम्बर, 1995

का.आ. 68.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. मथुरा रिफाइनरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-95 को प्राप्त हुआ था।

[संख्या 30012/14/90-आई.आर. (विवाद)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 21st December, 1995

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOC Mathura Refinery and their workmen, which was received by the Central Government on 18-12-95.

[No. L-30012/14/90-IR(MISC)]
BRAJ MOHAN, Desk Officer
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL CUM - LABOUR - COURT
PANDU NAGAR KANPUR

Industrial Dispute No. 174 of 1990

In the matter of dispute between :
General Secretary
Indian Oil Mathura Refinery
Karamchari Sangh C/o IOC
Mathura Refinery Mathura.

AND

Chief General Manager
IOC Mathura Refinery
Mathura

AWARD

1. Central Government, Ministry of Labour,
vide its notification No. L-30012/14/90-IR(Misc)

dt. 3-8-90, has referred the following dispute for adjudication to this Tribunal —

“Whether the action of the management of Mathura Refinery Mathura in superseding Sri S. N. Sharma Assistant Chemist by one Sri G. Bhattacharjee in promotion is justified ? If not to what relief the workman concerned is entitled ?

2. The concerned workman S N Sharma, was appointed as Assistant Chemist in the opposite party M/s. India Oil Corporation Limited Mathura Refinery on 3-5-82. His version is that his work and conduct has been excellent throughout. He is an active member of trade Union. In 1986 one B V Bishwas joined Mathura Refinery as Quality Control Manager. He was prejudiced against the concerned workman as he has espoused the case of V S Kardam an Assistant Chemist who was wrongly marked absent by B C Bishwas. It is further alleged that B. C. Bishwas had threatened the concerned workman to give up the trade union activities else he would be harrassed. Since the concerned workman did not acced to demand of B C Bishwas his harrasment continued. One G Bhattacharjee is junior to the concerned workman. Because of above mentioned enimuus B C Bishwas promoted G Bhattacharjee as Chemist superseding the concerned workman. In other words the supersession of the concerned workman is malafide as such it is liable to be set aside and he is entitled to be promoted in place of G Bhattacharjee.

3. The management has filed Written statement in which it is not disputed that the concerned workman was senior to G Bhattacharjee. It is denied that the concerned workman has been superseded because of hostile attitude of B. C. Bishwas. Their version is that in the year 1985 there had taken place a settlement. According to which promotion policy was formulated. According to these rules promotions were to be made through seniority channel and through merit channel. When the case of the concerned workman was taken up it was considered by Departmental Promotion Committee (hereinafter referred to as DPC for the sake of brevity) comparising of 3 persons of which B. C. Bishwas not the member. In all tehre were 7 eligible candidates whose names in order of seniority are as under :—

1. Y K Puwar
2. T N Singhal
3. R K Singh
4. S. N. Sharma
5. Gautam Bhattacharjee
6. Bhagwan Singh
7. Lajja Ram.

The last candidate belong to Schedule Caste. The DPC after considering the entries of character roll found that Gautam Bhattacharjee had secured outstanding entries two years before its consideration whereas entries of S N Sharma were found as average. Hence keeping in view the entries the D.P.C. recommended the name of G Bhattacharjee. B. C. Bishwas had no hand in it. At such the promotion cannot be said to be handiwar. Later on w.e.f. 27-2-91, the concerned workman has also been promoted as such his demand has been fully met. Lastly it has been also alleged that this Tribunal cannot question the wisdom of the management in making promotions.

4. Firstly legal and technical objections raised on behalf of management may be taken up. In the first place it is urged that the reference is bad as it has been signed by Desk Officer who is not competent to do so. It appears that this plea is based on mistaken conception of the auth. representative of the management about the manner of reference under sec. 10 and 2-A of I.D. Act. Perhaps he is not aware of the fact that decision in the government offices are taken by concerned authorities and their communication is made by any subordinate persons. Further it will be presumed that in usual course reference has been made in accordance with law unless any specific law is shown in it. The error pointed out by the auth. representative of the management has not been held to be valid hence this contention is overruled.

5. The second contention of the authorised representative is that there were two more Assistants Chemists senior to the concerned workmen and they two have been superseded. Even for argument sake if the promotion of Gautam Bhattacharjee is held to be bad in law, the concerned workman would not get promotion as there are admittedly two seniors to him. Hence in either case, the concerned workman will not get relief. I do not agree with this contention. If the other two persons keep quite over their rights it does not signify that the other superseded persons will have also not right to do so as silence by others on one point should not prejudice the rights of others.

6. Thirdly it is submitted that the concerned workman has been promoted on 27-2-91, hence the reference has become infructuous. I think this subsequent promotions will in no way effect the reference as it relates to supersession of concerned workman. By subsequent promotion this question of supersession does not stand resolved. Hence, I am of the opinion, that the reference has not become infructuous.

Fourthly it may be mentioned that in the claim statement it was specifically alleged that the concerned workman being Trade Union

Leader had earned ire of B C Bishwas. He has also quoted instance as well. The opposite party has denied it. Still the concerned workman in his affidavit has proved it of which there has been no rebuttal. Hence, I am inclined to accept the version of the concerned workman that B C Bishwas was not favourably disposed towards the concerned workman.

8. Lastly the main point may be considered viz., validity of supersession of the concerned workman. It will be relevant to refer to Ext. M-1, the copy of settlement, which admittedly took place between the management and Union on 21-3-85 by which norms for promotions were framed.

9. Firstly it was laid down that promotion was to be made through two channels, namely seniority channels and merit channel. These channels were to be adopted according to roster which was to be prepared. It is not disputed that when the matter of concerned workman came for promotion it was to be made through merit channel. Para 2.9 lays down following provisions for consideration in case of promotion by merit channel :—

The promotion through the merit channel will be effected on the following basis :—

Seniority	— 45 marks
Qualifications	— 20 marks
CRs	— 35 marks
Total	— 100 marks

The CRs for last two years will be considered and 35 marks for the CRs will be allocated as follows :—

Outstanding	— 35 marks
Above average	— 29 marks
Satisfactory	— 22 marks

Of the 2 CRs, the CR for the year immediately preceding the DPC must not be less than satisfactory; There is copy of seniority list which was placed before the D.P.C. comprising of B G Bishwas, Hero Ramnani and Malkhan Singh. It shows that in all there were 7 candidates, namely, (1) V K Pawar, (2) T N Singhal, (3) R K Gogia, (4) S N Sharma (concerned workman), (5) Gautam Bhattacharjee (person promoted) (6) Bhagwan Singh and (7) Lajja Ram. This list also shows that during the year 1986 the concerned workman had earned the entry of SS whereas in the year 1987 he was given remark 'AA' whereas Gautam Bhattacharjee was given entry of outstanding in both the year.

10. Now it will be considered if DPC had made proper assesment. When the question of seniority was considered the concerned workman was given more marks than Gautam Bhattacharjee, as admittedly the concerned workman was

senior to Gautam Bhattacharjee. The qualifications of both the candidates was more hence equal marks were provided to both of them under this head. In the last column relating to OR it has been shown that Gautam Bhattacharjee had better entries than the delinquent. Hence he was given more marks than the delinquent and after calculating the same it was found that Gautam Bhattacharjee had secured more marks than the concerned workman. In my opinion, there was no error whatsoever in this approach by the DPC.

11. In view of this just assessment, I felt that even B. C. Bishwas was hostile to the concerned workman it has not adversely affected the proceeding of DPC in any manner. As such it will not be vitiated in any manner. It may be added that when the two entries were recorded in the year 1986 and 1987 B. C. Bishwas had no hand in it as these entries were not recorded by him, instead they were recorded by other person. One of them was given before arrival of B. C. Bishwas at Mathura. It was also contended that B. C. Bishwas was not Head of Department hence he could not be a member of DPC. In the first place there is no pleading. Secondly there is no proof of this fact. Hence this contention is not accepted for want of pleading and proof.

12. From the above it is clear that recommendation of DPC was based on just assessment to the merit of candidates. I think the Chief General Manager, has rightly relying upon it had promoted Gautam Bhattacharjee after superseding the concerned workman. As such my award is that the action of the management in superseding S. N. Sharma was justified. Consequently he is not entitled for any relief.

13. Reference is answered accordingly.

Dated : 30-11-95.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1995

का.आ. 69.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिडलैण्ड बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-95 को प्राप्त हुआ था।

[संख्या एल.-12012/126/91-आई.आर.बी.-III]

पी.जे. मार्टिन, बैंक अधिकारी

New Delhi, the 21st December, 1995

S.O. 69.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 1 as shown in the Annexure, in the

industrial dispute between the employers in relation to the management of Midland Bank and their workman, which was received by the Central Government on the 20-12-1995.

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

[No. 12012/126/91-IRB-III]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, BOMBAY
Reference No. CGIT-80 of 1991

PARTIES :

Employers in relation to the Management of
Midland Bank.

AND

Their Workmen

APPEARANCES :

For the Management—Shri Birasdar, Advocate.

For the Workman—Shri M. B. Anchan, Advocate.

INDUSTRY : Banking STATE : Maharashtra
Bombay, dated the 16th day of November, 1995

AWARD

The appropriate Government has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the Management of Midland Bank, Bombay in terminating the services of Mr. Nicholas Cardoz, Driver, with effect from 19th February, 1990 is legal and justified ? If not, to what relief the workman is entitled to.”

2. Briefly stated and shown of unnecessary details the case of the workman is that he was appointed by the opposite party Midland Bank as a driver on 26th November, 1986. No letter of appointment was issued at that time. However, on 11th July, 1989, an appointment letter Annexure 'A' was issued. The services of the applicant workman were terminated on 19th February, 1990. At the time of the termination of his services, the applicant was receiving Rs. 1450 p.m. as salary. However, the applicant was given a cheque of Rs. 3903 as retrenchment benefits. In doing so, the Bank did not take into consideration the past services rendered by him for the period 26-11-86 to 10th July, 1989. The applicant ought to have been paid is retrenchment benefits calculated on the basis of service rendered from 26-11-1986 till termination of services. Since, this was not done, the retrenchment was

bad and he be reinstated with backwages, continuity of service and other benefits.

3. It is pleaded that an industrial dispute was duly raised but it resulted in a failure and hence the appropriate Government on being moved, made the aforesaid reference.

4. It may be stated that a large number of certain other pleas were also taken but were not pressed and hence I have not deemed it proper to encumber this award by referring to such pleas, which have not been pressed before me during the course of proceedings.

5. The opposite party (employer) has denied that the workman was under its employment since 26th November 1986. The case of the employer is that the workman was appointed with effect from 1st April, 1989 vide appointment letter dated 11th July, 1989. A plea was taken that prior to his appointment by the Bank, the workman was a personal driver of Mr. Paranjape since 1986, Mr. Paranjape being a senior officer in the Bank. It was only with effect from 1st April, 1989 that he was taken in the service of the Bank. It was admitted that the services of the workman were terminated with effect from 19th February, 1990. It was also admitted that workman was drawing Rs. 1450 p.m. as salary at the time of termination. The workman was offered compensation and one months notice pay in accordance with the provisions of section 25F of the Industrial Act. The services of the workman were terminated in as much as his services were not required. It was pleaded that the workman's claim deserved to be rejected.

6. On the pleadings of the parties, the issue which survives for adjudication is whether the workman remained in the employment of the opposite party Bank with effect from 26th November, 1986 or with effect from 1st April, 1989 vide appointment letter dated 11th July, 1989, Learned Counsel.

7. Here, it may be noticed that the opposite party Bank has ceased to function with effect from 31st March, 1993. The workman moved an application on 24th August, 1994 to the effect that assets and liabilities of the opposite party Bank have been taken over by Hongkong and Shanghai Corporation and hence the corporation may be impleaded as a party. The application was opposed by the employer Bank and it was denied that Hongkong and Shanghai Corporation had taken over assets and liabilities of the Bank. The workman failed to adduce any cogent evidence to substantiate this application and the same was dismissed by me by order dated 19th September, 1995.

8. The workman in support of his claim has filed his own affidavit and has placed certain documentary evidence on record. The workman was cross-examined by the learned counsel of the opposite party defunct Bank. The opposite party has not led any oral evidence on record though certain documentary evidence has been adduced and relied upon I have heard the learned counsel for the parties at great length and have carefully perused the record.

9. As stated already, the crucial question to be adjudicated upon is whether the workman was in employment of the Bank with effect from 26th November, 1986 with continuity of service under the Bank till his retrenchment or he was a personal employee of Shri Paranjape a senior officer of the Bank for the period 26th November, 1986 till 31st March, 1989.

10. It appears that the Bank did not issue an appointment letter contemporaneously with the appointment of the workman. Even on the showing of the Bank, the workman has been serving since 1st April, 1989, yet the appointment letter was issued only on 11th July, 1989. It has to be appreciated that this is an employers' world, where the workman is at the entire mercy of the employer. The employer in this case chose to put down 1st April, 1989 as the date of appointment, in an appointment letter issued on 11th of July, 1989. No explanation is forthcoming from the Bank why a contemporaneous appointment letter was not issued on 1st April, 1989 itself. This makes it evident that the employer choose to issue an appointment letter which is not reflective of the true state of affairs and the workman had no option but to accept the appointment letter, as and when it was issued, upon such terms and stipulations as the employer choose to make. Hence, I am of the view that recitals in the appointment letter do not at all bind the workman.

11. The workman in his affidavit has categorically stated that he was appointed on 26th November, 1986 and at that time no appointment letter was issued to him. Initially he was getting Rs. 1000 p.m. as wages. On 11th July, 1989, he was issued the appointment letter showing his wages at Rs. 1450 p.m. The workman has stated that by a letter dated 21st December, 1989, his duty hours were raised upon which he protested by letter dated 1st January, 1990. Annoyed by this, his services were terminated. The workman has, the support of his case produced a log book maintained by him and at places initialled by Mr. Paranjape. He has also produced a staff magazine 'Antenna' issued for March/April 1989, which carries a group photograph of the staff at page 21 and wherein workman has been shown in the team of workers.

12. Faced with this evidence learned counsel for the Bank argued that it is not known when the group photograph was taken, as regards log book entry, it is urged that it was signed by Paranjape and he must have signed the same in personal capacity.

13. Learned Counsel for the Bank also vehemently urged that in certain details, the workman had faltered in cross-examination and hence his statement should be thrown out altogether.

14. Here, I may state that the best witness in this case was Shri B. L. Paranjape himself. It was Shri B. L. Paranjape who had signed and verified the written statement of the opposite party as Senior Advisor, Midland Bank plc, Representative Office, Bombay. He has not appeared in witness box to contradict and refute the say of the workman. The only inference is that had he appeared, he would not have been in a position to refute the claim of the workman. Indeed, it is a case, where adverse inference has to be drawn against the opposite party for not producing Shri B. L. Paranjape in witness box. I have carefully gave through the testimony of the workman and the same inspires confidence inspite of minor informtities here and there Paranjape was the best person to tell the tribunal if for the period 26th November, 1986 to 31st March, 1989, the workman was his personal driver or was driver of the Bank.

15. On behalf of the Bank, much capital was sought to be made of a seniority list Annexure 'A' wherein date of joining of the workman has been shown on 1st April, 1989. In my opinion, this is a self serving admission of the Bank and can not bind the workman at all.

16. It has been urged with vehemence that there was a practice in the Bank to grant conveyance allowance to its Senior Officers, who would engage a personal drivers and would pay from their own pockets. Reliance has been proved within connections upon 1978 Lab. IC 519 Employees in relation to Punjab National Bank Vs. Ghulam Dastagir. No evidence has been led by the Bank to show that Mr. Paranjape was being paid a conveyance allowance to enable him to hire a private driver. The log book contains entries galore showing that from November, 1986, the workman had been discharging office duties. In case of a personal driver, maintenance of log book would be altogether superfluous and unnecessary. Hence, I find that this ruling does not help the employer in any way.

17. On an overall conspectus of the evidence, I am of the view that workman has succeeded in establishing that he had been in the employment of the Bank opposite party since 26th November,

1986 till termination of his services. He was not paid retrenchment compensation for the service rendered from 26th November, 1986 till 31st March, 1989 and this his retrenchment was in violation of the provisions of section 25F of the Industrial Dispute Act and is void.

18. Now, the question is as to what relief should be granted, keeping in view the fact that the Bank has ceased to operate in India. Admittedly in such a case, there can be no order of reinstatement. However, the workman is entitled to arrears of wages with effect from the date his service were terminated till the Bank ceased to operate in India i.e. 31st March, 1993 with interest at the rate of 18 per cent per annum. A further compensation in a sum of Rs. 25,000 shall also be paid by the Bank to the workman. The workman shall get his costs from the Bank, which are assessed at Rs. 5,000.

R. S. VERMA, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1995

का.आ. 70.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (IV) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2053 दिनांक 5 जुलाई, 1995 द्वारा तांबा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 5 जुलाई, 1995 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार को राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 5 जनवरी 1996 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. सं. एस-11017/7/85-डी.आई. (ए)]

एस. वेणुगोपालन, अवसर सचिव

New Delhi, the 22nd December, 1995

S.O. 70.—Whereas the Central Government having been satisfied that the public interest as required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the

Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 2053 dated the 5th July, 1995 the Copper Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months from the 5th July, 1995;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (a) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 5th January, 1996.

[No. S-11017/7/85-D. I(A)]

S. VENUGOPALAN, Under Secy.

